



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: June 22, 2012
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of June 21, 2012 Zoning Committee Hearing

NEW BUSINESS

- | | | <u>Staff</u> | <u>Recommendation</u>
<u>Committee</u> |
|----|---|--------------------------|---|
| 1. | First and First LLC (12-064-233)
Modification of condition in previously approved pawn shop permit that the pawn shop not face Suburban Avenue

Address: 1891 Suburban Ave
NW corner at Burns

District Comment: District 1 recommended approval with conditions

Support: 0 people spoke, 2 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with conditions | Approval with conditions | Approval with conditions
(6 - 0) |
| 2. | Providence Development LLC (12-065-215)
Enlargement of the upper two units of a nonconforming 4-plex into unfinished attic space

Address: 890 - 892 Goodrich Ave
between Victoria and Milton

District Comment: District 16 recommended approval with conditions

Support: 0 people spoke, 3 letters

Opposition: 1 person spoke, 15 letters

Hearing: Hearing is open

Motion: Laid over to August 2, 2012 | Approval with conditions | Laid Over
(6 - 0) |

city of saint paul
planning commission resolution
file number
date

WHEREAS, First & First LLC, File # 12-064-233, has applied for a modification of condition 3 in a previously approved pawn shop conditional use permit (Zoning File #11-103-193), which states that the pawn shop not face Suburban Avenue, under the provisions of § 61.501; § 65.531 and §61.502 of the Saint Paul Legislative Code, on property located at 1891 Suburban Ave, Parcel Identification Number (PIN) 352922330009, legally described as Registered Land Survey 276 Subj To Rds; Tract C; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 21, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant, First & First LLC, has purchased the Suburban Chevrolet property on Suburban Avenue and is authorized to operate a pawn shop under an approved conditional use permit (Zoning File # 11-103-193). The pawn shop permit includes a number of conditions for operation, one of which the applicant is now seeking to modify. The modification sought is of condition 3, which states that the pawn shop shall not face Suburban Avenue. The pawn shop and a second-hand store are proposed for the existing dealership building, which housed a showroom in the southern portion and service bays in the northern portion. The applicant proposes to locate the pawn shop in the showroom portion of the existing building. This location is proposed by the applicant because the size of the former showroom space better fits the size of the pawn shop, which condition 7 of the conditional use permit restricts to 8,500 square feet. The applicant has indicated that while windows will be on the Suburban Avenue side of the pawn shop, the entrance will face west toward the parking lot and no signage will be permitted on the south side of the building. All signage will face west. In addition, the windows in the pawn shop space will be replaced with spandrel glass on the lower sections and clear glass above.
2. The staff report for Zoning File # 11-103-193 and the planning commission resolution addressed the conformance of the pawn shop with the conditions required in the B3 zoning district. The requested modification does not alter the findings for the previously approved conditional use permit, save condition c). Section 65.531 defines pawn shop and provides standards and conditions that must be satisfied to permit the use, as follows:
 - (a) *The business shall be conducted within a completely enclosed building.* This condition is met. The pawn shop will be located in the existing southeast building. No outside sales are proposed.
 - (b) *The building in which the business is located shall be at least one hundred fifty (150) feet from the closest point of any residentially zoned property.* This condition is met. The southeast building is 150.16 feet from the Ramsey County pond on the south side of Suburban Avenue, which is zoned R2.

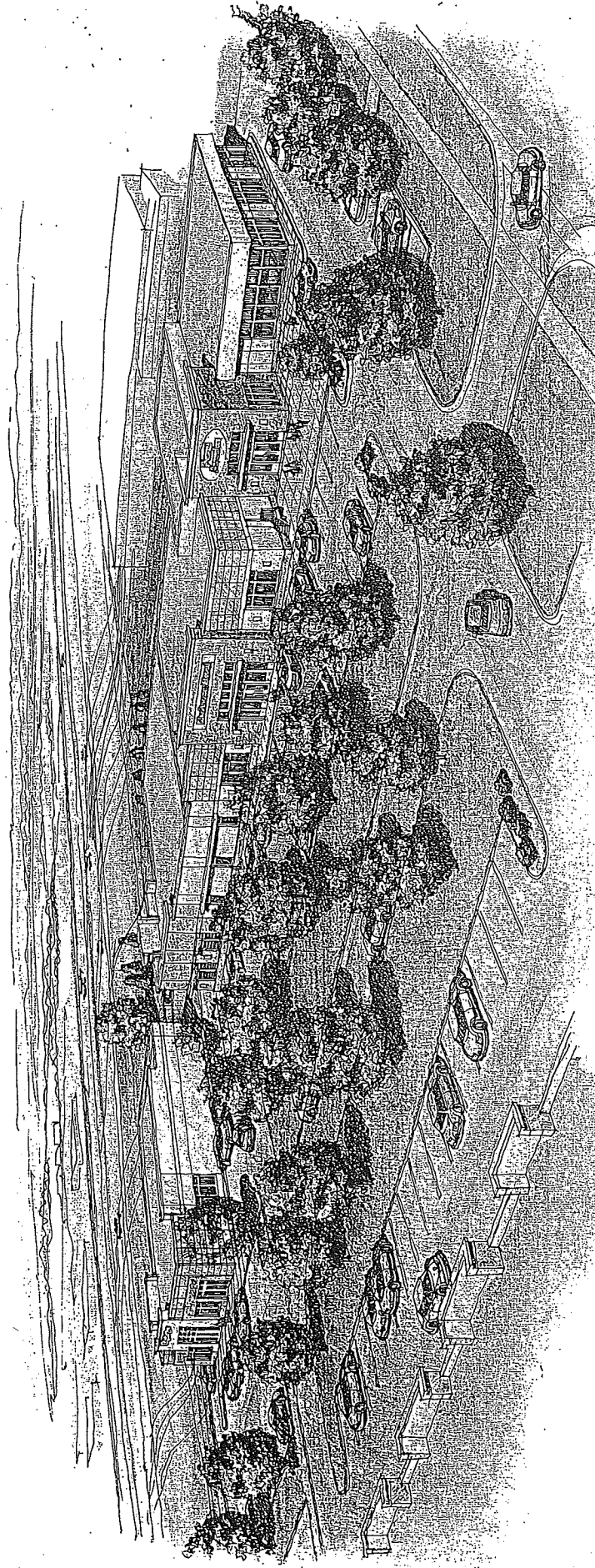
moved by _____
seconded by _____
in favor _____
against _____

(c) *No pawn shop shall be located within 1,320 feet of any alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This condition can be met. An existing Western Union facility, called the Piggy Bank, at 1994 Suburban Avenue, is 1,053.5 feet from the site. The applicant submitted a request for a modification from this requirement in the previous application for a conditional use permit. At that time a modification of the distance requirement for the proposed pawn shop was required. At this time the new owners of the property, First & First LLC, have an option to purchase the Piggy Bank business, which they intend to act upon if the modification of condition 3 is approved by the planning commission. Should First & First LLC purchase the Piggy Bank business, all its operations will cease, and the business will be closed.

3. §61.501 lists five standards that all conditional uses must satisfy. As stated in Zoning File 11-103-193, these conditions are met:

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of First & First LLC for a modification of condition 3 in the previously approved conditional use permit in Zoning File 11-1030193, is hereby approved, so that the pawn shop may be located in the showroom portion of the building at 1891 Suburban Ave that has frontage on Suburban Avenue, subject to the following conditions:

1. No outdoor sales or outdoor displays of merchandise are approved for retail uses on this site;
2. Customer parking shall be located consistent with Section 63.200, as determined by site plan review;
3. The hours of the pawn shop shall be no greater than 10am through 7pm Monday through Saturday and noon through 6pm on Sunday;
4. Firearms and adult materials shall not be bought, sold or pawned at the pawn shop;
5. The applicant shall participate in and oversee the Come Clean trash removal program for the parcel in its entirety;
6. The pawn shop shall comprise no more than 8,500 square feet within a single building on-site;
7. Signage on-site must not vary from the strict provisions of the zoning code, and should strictly conform to the restrictions outlined in the SunRay-Suburban Avenue Plan. Free-standing signage which includes the name of the pawn shop must also include signage for at least two additional businesses, and the names of each business on such signs must occupy substantially similar square footages, and utilize substantially similar materials and lighting methods. No signage may be placed on the south side of the building facing Suburban Avenue; and
8. The separation requirement shall be met by purchase and closure by the applicant of the nearby alternative financial institution (Piggy Bank).



SUBURBAN AVENUE

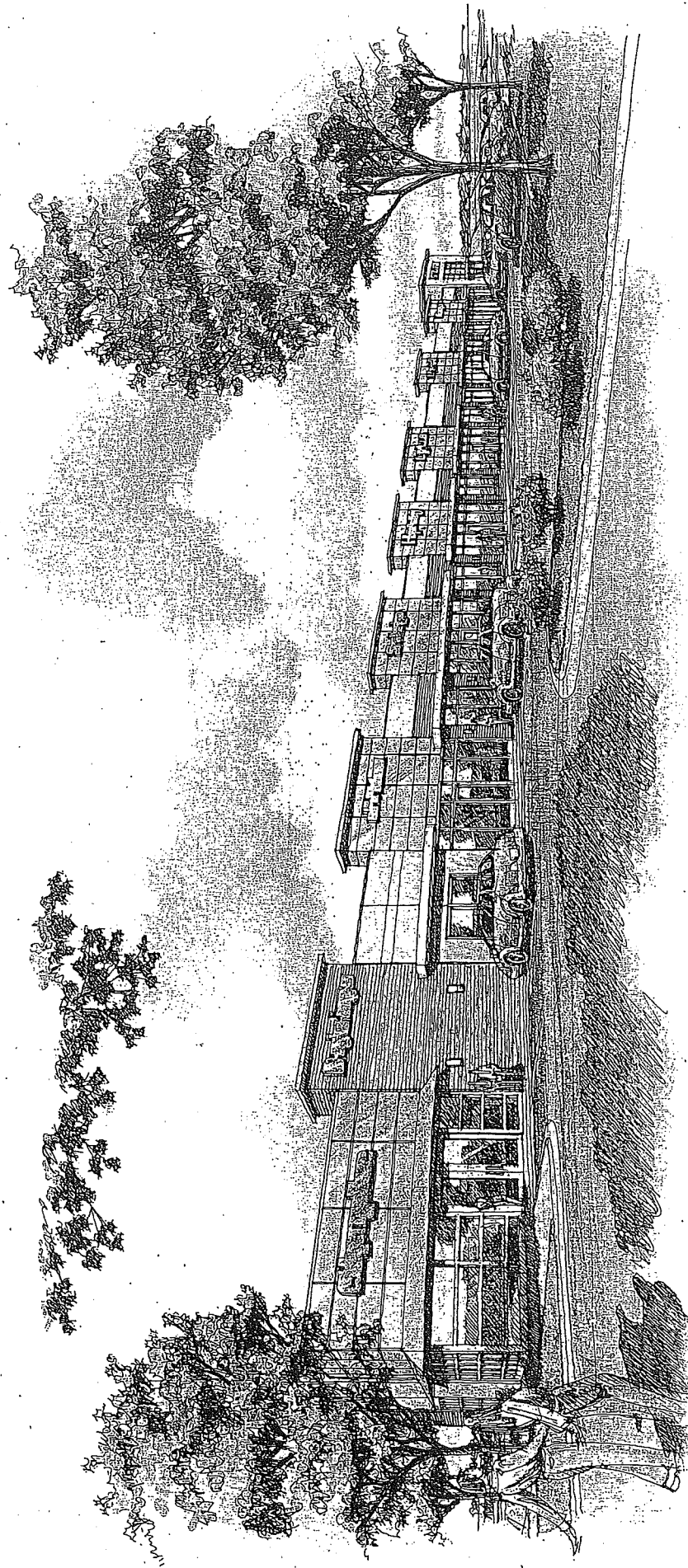
St. Paul, Minnesota

June 21, 2012

Aerial Perspective

111-0091

DJR
ARCHITECTURE INC.



SUBURBAN AVENUE

St. Paul, Minnesota

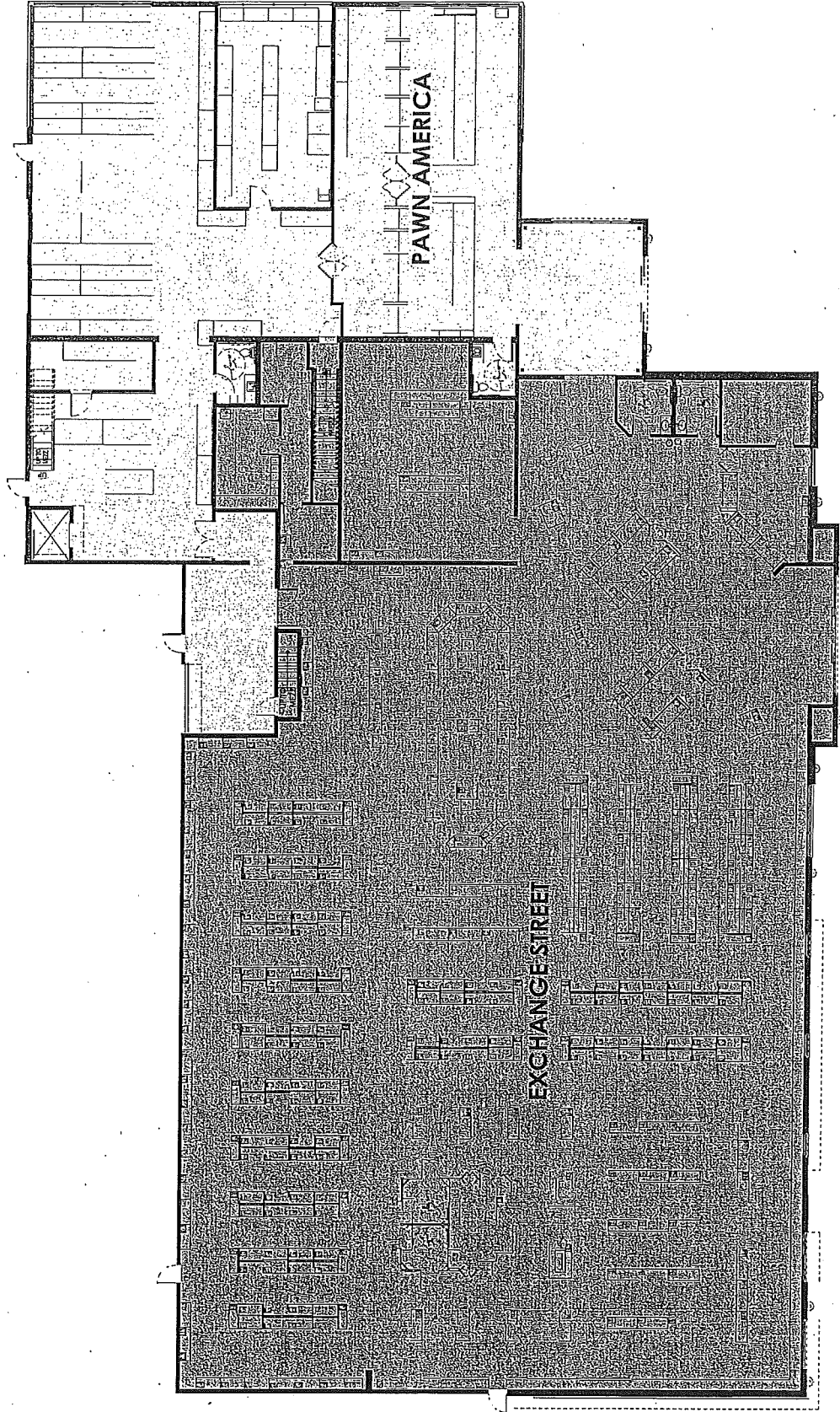
June 21, 2012

Building C Exterior Perspective

111-0091

DJR
ARCHITECTURE INC.





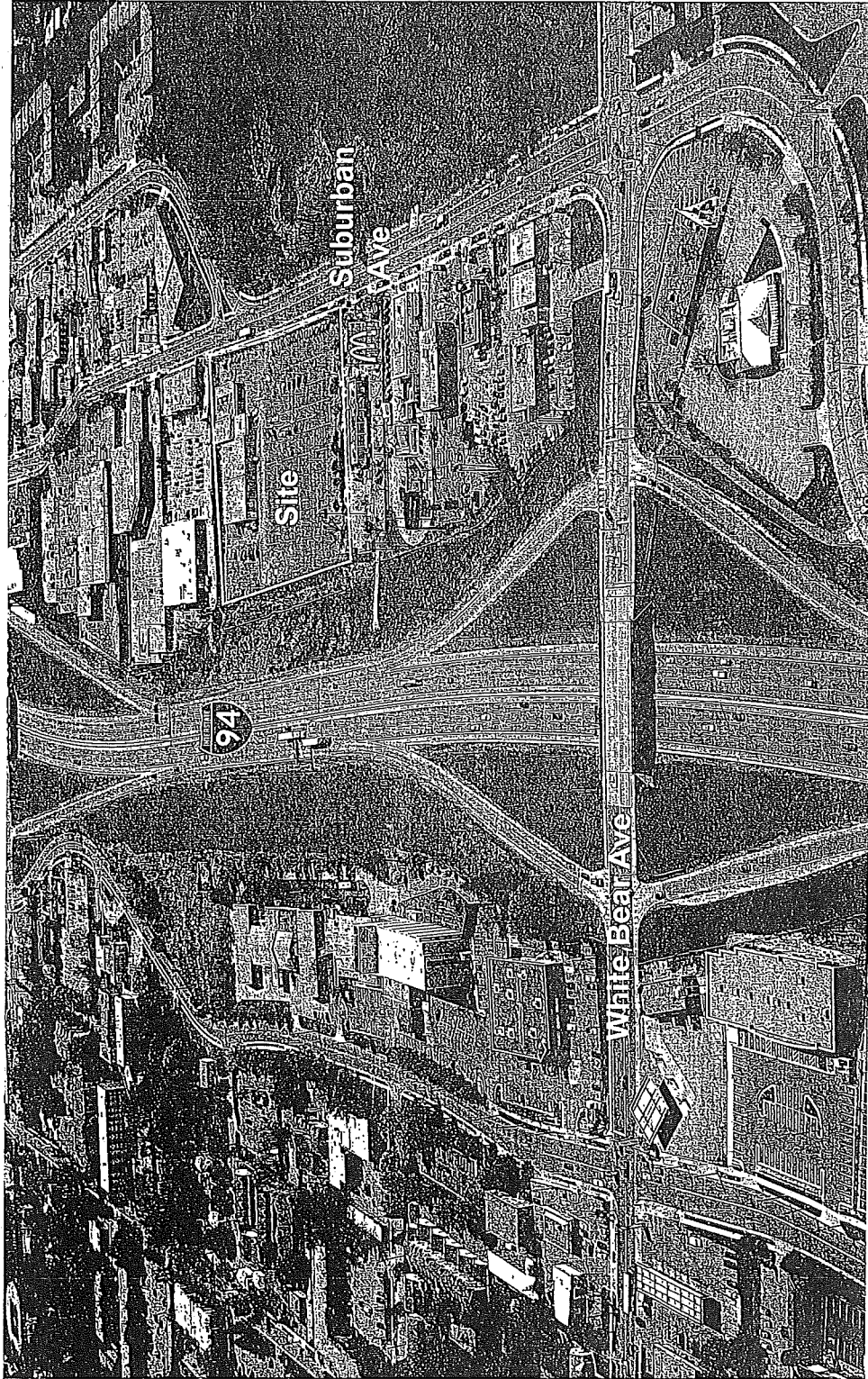
SUBURBAN AVENUE

St. Paul, Minnesota

June 21, 2012

Southeast Building A - Plan

111-0091



SUBURBAN AVENUE

St. Paul, Minnesota

East Aerial Photo

June 21, 2012

111-0091

DJR
ARCHITECTURE INC.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** First and First LLC **FILE #** 12-064-233
2. **APPLICANT:** First and First LLC **HEARING DATE:** June 21, 2012
3. **TYPE OF APPLICATION:** Modification of Conditional Use Permit
4. **LOCATION:** 1891 Suburban Ave, NW corner at Burns
5. **PIN & LEGAL DESCRIPTION:** 352922330009, Registered Land Survey 276 Subj To Rds;
Tract C
6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B3
7. **ZONING CODE REFERENCE:** § 61.501; § 65.531; §61.502
8. **STAFF REPORT DATE:** June 7, 2012 **BY:** Kate Reilly
9. **DATE RECEIVED:** May 31, 2012 **60-DAY DEADLINE FOR ACTION:** July 30, 2012

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- A. **PURPOSE:** Modification of condition in previously approved pawn shop permit (Zoning File #11-103-193) that the pawn shop not face Suburban Avenue
- B. **PARCEL SIZE:** 210,395 sq. ft. (4.83 acres) with 517 feet of frontage on Suburban Avenue
- C. **EXISTING LAND USE:** Auto Showroom/Lot/Service
- D. **SURROUNDING LAND USE:**
North: Interstate 94 right-of-way
East: Retail (TN2)
South: Ramsey County pond and parkland (R2)
West: Fast food restaurant (B2)
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §65.531 lists the standards and conditions required for a pawn shop.
- F. **HISTORY/DISCUSSION:** This project was initially proposed in 2011 by Red Dog Holdings LLC. That firm applied for and received four conditional use permits (Z.F. # 11-103-193; 11-112-696; 11-112-697; 11-112-698). Red Dog Holdings LLC was not able to complete the project and sold the property to First & First in the fall of 2011.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council submitted a letter stating the concerns of community members about the development.
- H. **FINDINGS:**
1. The applicant, First & First LLC, has purchased the Suburban Chevrolet property on Suburban Avenue and is authorized to operate a pawn shop under an approved conditional use permit (Zoning File # 11-103-193). The pawn shop permit includes a number of conditions for operation, one of which the applicant is now seeking to modify. The modification sought is a modification of condition 3 which states that the pawn shop shall not face Suburban Avenue. The pawn shop and a second hand store are proposed for the existing dealership building which housed a showroom in the southern portion and service bays in the northern portion. The applicant proposes to locate the pawn shop in the showroom portion of the existing building. This location is proposed by the applicant because the size of the former showroom space fits the size of the pawn shop, which condition 7 of the conditional use permit restricts to 8,500 square feet. The applicant has indicated that while windows will be on the Suburban Avenue side of the pawn shop, the entrance will face west toward the parking lot and no signage will be permitted on the south side of the building. All signage will face west. In addition, the windows in the pawn shop space will be replaced with spandrel glass on the lower sections and clear glass above.
 2. The staff report for Zoning File # 11-103-193 and the planning commission resolution addressed the conformance of the pawn shop with the conditions required in the B3 zoning district. The requested modification does not alter the findings for the previously approved conditional use permit, save condition c). Section 65.531 defines pawn shop and provides standards and conditions that must be satisfied to permit the use, as follows:

- (a) *The business shall be conducted within a completely enclosed building.* This condition is met. The pawn shop will be located in the existing southeast building. No outside sales are proposed.
 - (b) *The building in which the business is located shall be at least one hundred fifty (150) feet from the closest point of any residentially zoned property.* This condition is met. The southeast building is 150.16 feet from the Ramsey County pond on the south side of Suburban Avenue, which is zoned R2.
 - (c) *No pawn shop shall be located within 1,320 feet of any alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This condition can be met. An existing Western Union facility, called the Piggy Bank, at 1994 Suburban Avenue, is 1,053.5 feet from the site. The applicant submitted a request for a modification from this requirement in the previous application for a conditional use permit. At that time a modification of the distance requirement for the proposed pawn shop was required. At this time the new owners of the property, First & First LLC have an option to purchase the Piggy Bank business, which they intend to act upon if the modification of condition 3 is approved by the planning commission. Should First & First LLC purchase the Piggy Bank business, all operations will cease and the business will be closed.
3. §61.501 lists five standards that all conditional uses must satisfy. As stated in Zoning File 11-103-193, these conditions are met.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the modification of condition 3 in the previously approved conditional use permit in Zoning File 11-103-193 so that the pawn shop may be located in the portion of the building that has frontage on Suburban Avenue, subject to the following revised conditions:

- 1. No outdoor sales or outdoor displays of merchandise are approved for retail uses on this site;
- 2. Customer parking shall be located consistent with Section 63.200, as determined by site plan review;
- 3. The hours of the pawn shop shall be no greater than 10am through 7pm Monday through Saturday and noon through 6pm on Sunday;
- 4. Firearms and adult materials shall not be bought, sold or pawned at the pawn shop;
- 5. The applicant shall participate in and oversee the Come Clean trash removal program for the parcel in its entirety;
- 6. The pawn shop shall comprise no more than 8,500 square feet within a single building on-site;
- 7. Signage on-site must not vary from the strict provisions of the zoning code, and should strictly conform to the restrictions outlined in the SunRay-Suburban Avenue Plan. Free-standing signage which includes the name of the pawn shop must also include signage for at least two additional businesses, and the names of each business on such signs must occupy substantially similar square footages, and utilize substantially similar materials and lighting methods. No signage may be placed on the south side of the building facing Suburban Avenue; and
- 8. The separation requirement shall be met by purchase and closure by the applicant of the nearby alternative financial institution (Piggy Bank).



SAINT PAUL AREA CHAMBER OF COMMERCE

June 21, 2012

City of Saint Paul
Department of Planning and Economic Development
25 West Fourth Street
Suite 1400
Saint Paul, MN 55102

RE: 1891 Suburban Avenue Conditional Use Permit Modification

Dear Zoning Committee Members:

The Saint Paul Area Chamber of Commerce would like to offer our support for the modification of the conditional use permit (CUP) that currently exists for 1891 Suburban Avenue. The Chamber was supportive of the original CUP approved for this site in 2011 because it would put to use a vacant commercial site and bring a number of well paying quality jobs to the area. While the original plan faltered, we are happy that another business sees the great potential for the location and is ready to move forward with new development and new jobs.

We are supportive of this application for minor and reasonable modifications to the existing CUP because they seek to maximize the use of the existing space and better integrate retail operations with the surrounding area while continuing to meet the other conditions of the original CUP. The Chamber encourages the Zoning Committee to accept the recommendation of the Staff Report and recommend the approval of the modification of the CUP to the full Planning Commission.

Sincerely,

James McClean
Director of Public Affairs
651-265-2795
james@saintpaulchamber.com



// Chamber of Commerce Center // 401 North Robert Street, Suite 150 // Saint Paul, Minnesota 55101

Langer, Samantha (CI-StPaul)

From: Matze, Mary (CI-StPaul)
Sent: Thursday, June 21, 2012 2:52 PM
To: James, Patricia (CI-StPaul); Langer, Samantha (CI-StPaul)
Subject: FW: Continuance

From: Greg & Heidi Hjelle [<mailto:ghjelle@comcast.net>]
Sent: Thursday, June 21, 2012 2:52 PM
To: Matze, Mary (CI-StPaul)
Subject: RE: Continuance

Mary,

Please ask for a continuance on my behalf at the City Council Zoning Hearing today. I would like the next hearing scheduled August 2nd, 2012 and no action taken until September 10th, 2012.

Sincerely,

Greg Hjelle
Providence Development LLC
612.209.2698 cell
952.941.5797 fax



From: Greg & Heidi Hjelle [<mailto:ghjelle@comcast.net>]
Sent: Thursday, June 21, 2012 2:22 PM
To: 'Matze, Mary (CI-StPaul)'
Subject: Continuance

Mary,

Please ask for a continuance on my behalf today at the City Council Zoning Hearing.

Thanks,

Greg Hjelle
Providence Development LLC
612.209.2698 cell
952.941.5797 fax



From: Matze, Mary (CI-StPaul) [<mailto:mary.matze@ci.stpaul.mn.us>]
Sent: Wednesday, June 20, 2012 2:53 PM

To: greg@provdev.com
Subject: Zoning Code

Hi, Greg,

The notes about discontinuous use are in 62.106, Part G.

Best,
Mary



Mary Matze
Planning Intern
Planning & Economic Development
City Hall Annex; Saint Paul, MN 55102
P: 651-266-6708
F: 651-228-3220
mary.matze@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

Summit Hill Association

District 16 Planning Council
860 Saint Clair Avenue
Saint Paul, Minnesota 55105
Telephone 651-222-1222
Fax 651-222-1558
www.summithillassociation.org
e-mail: summithill@visi.com

June 20, 2012

Mary Matze - Planning Staff
St. Paul Planning Commission
1400 City Hall Annex - 25 W. 4th St.
St. Paul, MN 55102

RE: Zoning File #12-065-215 – 890-892 Goodrich Ave.

Dear Members of the Planning Commission:

The Summit Hill Association – Zoning & Land Use Committee (ZLU) held a neighborhood public hearing on June 19, 2012 regarding an application from the owners of the property at 890-892 Goodrich Ave., zoned RT1, who are proposing to add living space to the existing unfinished attic space above the upper two apartment units. According to documents submitted by the applicants, the property is currently a legal nonconforming 4-unit apartment building. If accurate, this expansion would require an Enlargement of a Nonconforming Use.

The Summit Hill Association solicited input from surrounding residents within 350 feet; and received comments both in support and in opposition to the application.

Previous to the hearing, SHA became aware that there are several documents held by St. Paul PED and DSI that are in conflict with each other as to whether this property is in fact a 4-plex and whether it currently remains a legal nonconforming property.

As the 890-892 Goodrich property has been showing the wear of deferred maintenance for many years, the possibility of exterior and interior improvements to 890-892 Goodrich would certainly improve the look of the dwelling and likely be welcomed by nearby neighbors. Owners of one household adjacent to the property voiced their strong support of the application & project citing the many years they have watched the property deteriorate and how this impacts the block and the value of their own home.

And yet, at the June 19th hearing, concerns were raised by several other neighbors as to whether, in fact, this property still remains a legal non-conforming 4-plex or that instead, the property may have had only one occupant – the previous owner Mildred Stone – living at the property since approximately 1991. These neighbors presented a packet of documents showing the historic discrepancies, asserting that any non-conformity had been “abandoned” due to the long-time single occupancy at 890-892 Goodrich. These residents also submitted the signatures of nearly 20 local residents on a counter petition opposing the application.

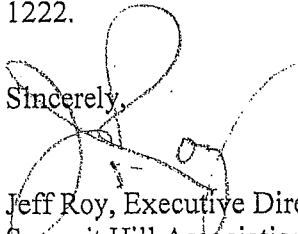
The Summit Hill Association strives to base zoning recommendations on City code requirements, findings, and all available information. However, as noted above, the current classification status of the property appeared to be in question. The ZLU understood that zoning and fire inspections staff

were scheduled to inspect the property on Wed., June 20, 2012 at 1 p.m. to inquire further, but that information was unavailable at the time of the June 19th meeting.

After full discussion, the SHA – Zoning & Land Use Committee approved a motion, on a vote of 3 in favor and 1 abstention, to recommend to the St. Paul Planning Commission – Zoning Committee that the Zoning File #12-065-215 application be approved subject to the City of St. Paul's determination that in fact this property is a legal non-conforming 4 plex.

If you have any questions about the discussion or recommendation, you may contact me 651-222-1222.

Sincerely,



Jeff Roy, Executive Director
Summit Hill Association/District 16 Planning Council

cc: Greg Hjelle and Chris Johnson – Providence Development
Greg Cruz
Anna and Marty Oyen
Dave Thune, Ward 2 Councilmember
SHA ZLU Committee Members

Langer, Samantha (CI-StPaul)

12-065-215

From: Matze, Mary (CI-StPaul)
Sent: Wednesday, June 20, 2012 3:39 PM
To: Langer, Samantha (CI-StPaul)
Subject: FW: File # 12-065-215, Providence Development LLC

Hi, Samantha,

Another letter for 890 Goodrich.

m

From: Ann Oyen [<mailto:aoyen@comcast.net>]
Sent: Wednesday, June 20, 2012 3:31 PM
To: Matze, Mary (CI-StPaul)
Subject: File # 12-065-215, Providence Development LLC

Dear Members of St. Paul's Zoning Committee:

As longtime next door neighbors to the property at 890-892 Goodrich Avenue, we are very much in favor of the improvements being proposed by Providence. We explained our perspective on Providence's proposal in the following e-mail sent to the Summit Hill Association's Zoning Committee. We are now forwarding the e-mail to you for your consideration.

Begin forwarded message:

From: Ann Oyen <aoyen@comcast.net>
Date: June 18, 2012 3:55:33 PM CDT
To: summithill@visi.com
Subject: Public Zoning Hearing, 6/19/12

Re: Proposed Improvements at 890-892 Goodrich Avenue

From: Ann and Marty Oyen, 888 Goodrich Avenue, 651-222-3851

Dear Members of the Summit Hill Zoning Committee:

We are sending this e-mail as the longtime next door neighbors to the property at 890-892 Goodrich. We moved into our home at 888 Goodrich Memorial Day weekend, 1973. Sadly, we've watched the gradual deterioration of the property next door to us for the past 39 years.

Consequently, we were very encouraged when Greg Hjelle of Providence Development purchased the property last fall and began making internal improvements to the electrical, plumbing and heating systems. We were especially pleased with an external improvement in the front--- the installment of attractive retaining walls that create two levels of terraces which hold wonderful gardening/landscaping possibilities for the future. In

addition, Mr. Hjelle has shared sketches of the finished project with us. We find these sketches to blend nicely with the existing architectural styles of the neighborhood, certainly a major improvement over the current appearance of the structure.

This past month we have been frustrated to learn that some residents in our neighborhood have objections to Mr. Hjelle's plans. Their objections mainly have to do with traffic and noise concerns. However, the property already has an existing four car garage, and street parking on Goodrich is closely regulated and monitored by a permit system. We understand that those who live on Fairmont might be concerned about some extra traffic in the alley, but these concerns seem minor compared to the large negative effect the current appearance of the structure has on the property values of those who live on Goodrich.

From our perspective, we are tired of passer-bys pointing at the house next door to us and wondering, "What's the story on that place?" We're tired of telling the story and explaining that in the past we actually offered to help the former owner with minor paint and porch repair projects, but that we found her to be a very proud and private person, who preferred to do the best she could with the means she had. We see Greg Hjelle's investment as a major step forward. It is the the best hope we have to improve the over all appearance of the neighborhood and the property values of those homes located adjacent to 890-892. We've waited 39 years for this positive development. We can't afford to wait longer for some hypothetical better deal.

Sincerely,
Marty and Ann Oyen

12-065-215

Langer, Samantha (CI-StPaul)

From: Matze, Mary (CI-StPaul)
Sent: Tuesday, June 19, 2012 9:39 AM
To: Langer, Samantha (CI-StPaul)
Subject: FW: Non-conforming expansion 890-892 Goodrich Ave

From: BRENNAN MCNALLY [<mailto:brennanmcnally@msn.com>]
Sent: Monday, June 18, 2012 8:26 PM
To: Matze, Mary (CI-StPaul)
Subject: Non-conforming expansion 890-892 Goodrich Ave

Dear Ms. Matze,

I am writing regarding concerns over the request for enlargement of the upper two units of a non-conforming duplex into unfinished attic space at 890-892 Goodrich Ave. I live at 889 Fairmount Avenue, right behind 890-892 Goodrich.

My main concern is over adding any more density to the property beyond what is already allowed under the property's current status. I moved into Summit Hill with four young children (ages 8 - 12) 18 months ago. When I purchased my home, I knew the housing density was higher than most neighborhoods in St. Paul, with a number of multi-unit rental buildings. Our family enjoys the diversity and uniqueness of the neighborhood, and embrace the history and variety of housing options. However, increasing the neighborhood's density beyond what is already in place would begin to diminish the safety, quality of life, and balance in the neighborhood. I don't see a need to expand housing density given the number of existing multi-unit buildings.

Already the stretch of Goodrich between Milton and Chatsworth is dangerous for bikers, drivers and pedestrians given the volume of cars on both sides of the street. To expand the density further along Goodrich would only make navigating through the neighborhood - on foot, bike or in car - more hazardous.

Also, a recent communication from Greg Cruz, a neighbor on Goodrich Ave, pointed out that the status of the property as a four-plex may be in question. I strongly encourage the property's status as a duplex or four-plex be resolved, and cannot support expansion into attics or basements for additional bedrooms. I am confident the property can be rehabilitated into a profitable duplex or fourplex without having to add further occupancy space.

I appreciate your consideration and attention to my comments as the Planning Commission considers the request.

If you have any questions or would like additional comments, please call me at 651-695-1855.

Brennan McNally
889 Fairmount Ave

Langer, Samantha (CI-StPaul)

From: Dubruiel, Paul (CI-StPaul)
Sent: Friday, June 15, 2012 11:05 AM
To: James, Patricia (CI-StPaul)
Subject: FW: 890-892 Zoning variance public hearing

From: Steve Larson [<mailto:larson158@yahoo.com>]
Sent: Friday, June 15, 2012 11:02 AM
To: Dubruiel, Paul (CI-StPaul)
Subject: 890-892 Zoning variance public hearing

Dear Sirs,

My name is Steve Larson and I am writing to express my observations and concerns regarding the application for an expansion of the zoning variance at 890/892 Goodrich Ave. I own and live in the duplex directly across the street at 889 Goodrich Ave.

First, I would like to say that even though I did sign the petition to allow Mr. Hjelle to be heard in front of the planning commission, it was with some reservation that I signed. Though this property has been an eye sore on our block for many years and to see it improved would be very much welcomed, I do not want to see it done without regard for keeping the quality and standards that make our neighborhood a very unique and desirable place to live.

I did get a chance to walk through the property with Mr. Hjelle. I commend him on the improvements to the water, gas, electric, heating & air conditioning.

During our walk through, I noticed that one of the stairwells leading to the attic space where the bedrooms are being framed in was quite awkward in both height and width. I think this will become an issue when the framing inspection takes place and leads me to believe that there wasn't a lot of thought that went into making these extra bedrooms. Also, once in the attic area, there were in fact two more rooms framed in each space. Though this was described as an additional bedroom and a den, a room with a closet is in fact a bedroom and would most likely be used as such. This would of course lead to even more parking pressure on our street than is indicated in the requested variance expansion.

In addition, I was concerned that during our walk through there was talk of not insulating the exterior walls, even though many of them were exposed down to the lathe and 2"x 4" framing. I assume things like this are addressed during an inspection and that there is some requirement to insulate an exterior wall once it is exposed. But even if it's not required, that is the time to have it done. Could this be some indication of potential corner cutting in other areas? This concerns me because if the quality is not there, the quality of the renter will not be there.

In the letter from Mr. Hjelle requesting signatures for the variance petition, there is talk of stainless steel appliances and granite countertops. That can sound appealing but I felt like I was on an episode of "Flip this house." What good are stainless steel and granite if the exterior walls are not insulated and you have to duck your head to get to an upstairs bedroom? This may get a renter in but will not keep them long term and the turnover is not good for the neighborhood.

Also in his letter were intentions about the type of renter, how the building will be managed and whether there will be subsidized housing. Those are great intentions, unfortunately there is no guarantee they will not change in the future.

I would prefer not to have any more bedrooms framed in and to use that attic space as a family/entertainment room or maybe as one big bedroom at most. I understand the desire to generate as much income from a property as possible. I just want the scope of the project to be within the bounds of the variance and for the work to be completed in a quality manner. I do not want to see a bunch of bedrooms squeezed into an already stressed space in the hopes of maximizing income from more but potentially less desirable tenants. I think if the quality of construction and design are not there, the quality of renter will not be there and that is not something I want for our block.

Steven P. Larson

12-065-215

St. Paul Planning Commission Zoning Committee

Re: 890-892 Goodrich Ave.

Date: June 18, 2012

To whom it may concern:

My name is John Otteson and I have lived at 873 Goodrich Ave. since 1980. I am writing to express my concerns regarding the application for an expansion of the zoning variance for 890-892 Goodrich Ave.

1. Parking Concern – Parking has always been a big issue in our neighborhood. So much so, the block joined the Area 9 permit parking area to alleviate some of those challenges. This request to expand into the attic areas will only add to the problem of finding available space to park.
2. Zoning – There's a question whether the property reverted back to its original conforming use because it had been abandoned as a 4-unit. To my recollection, only one unit has been occupied for many years.
3. General Concern – We can all agree that the property needs to be rehabbed. When I first saw the landscaping work done, I was encouraged. Unfortunately, it has never been finished and it looks very unattractive. After talking with the developer, I am convinced he intends to do this project on the cheap. For example, he has no intention of restoring the exterior, other than just painting over the old asbestos siding.

This is an historic neighborhood and the neighbors have worked hard to maintain and preserve the character. Can't we expect the same thing from this developer?

Sincerely,

John Otteson
873 Goodrich Ave. St. Paul
C: 651-261-5807

12-065-215

DATE Thursday, June 21, 2012

FROM Barbara (Barbi) Byers
883 Fairmount Avenue
Saint Paul, MN 55105
651-227-0845 home
651-235-0845 mobile
barbarabyers@comcast.net

TO Saint Paul Planning Commission - Zoning Committee - Public Hearing
File # 12-065-215

RE: 890-892 Goodrich Avenue

I support improving the property at 890/892 Goodrich, bringing it up to code and welcoming new neighbors there.

I am concerned that a four-plex on three floors has potential for density of people (6-20) and cars (8-10). This potential density will negatively impact alley traffic, exiting garages, guest parking and permit parking on Goodrich Av. On the alley, my garage is near the 4 garages for 890-892 Goodrich. Crowded parking on Goodrich Av. will add more cars to Fairmount Av, one block south.

I request that zoning for "the duplex" at 890/892 Goodrich be resolved by many agencies. **Determine if this structure is legally a nonconforming 4-plex.**

For example,

- City Zoning Department zoned the property "RT-1 residential 3-4 family legal non-conforming." Similar language was on the developer's petition and on 2 postcards announcing zoning hearings. The Planning Commission postcard said "nonconforming 4-plex" while Summit Hill Association postcard said "nonconforming 4-unit apartment building."
- City Dept of Safety and Inspections calls it a "duplex."
- Truth in Housing/sale of property says "legal duplex."
- A building permit lists it as a "duplex."
- Millie Stone, longtime owner, has confirmed that she lived alone 1984-2011, which may mean that use of the property as "3-4 non-conforming units" was (in legal terms) abandoned.

I urge you to oppose action on enlargement of upper two units.

Ask agencies to review **past use of space** and determine if this property will be improved as a duplex, a four-plex, or a four-plex-plus-attic.

Thank you.

Barbara Byers

Regarding Providence Development, LLC's application to expand an "existing legal non conforming use" into unfinished attic space at 890-892 Goodrich Ave. in Saint Paul, MN:


First, evidence and facts show that the City of Saint Paul established the property was utilized as a 2 unit property for many years. The property had a lapse of being occupied as a 3-4 unit legal nonconforming use property for more than 365 continuous days, therefore there is no legal nonconforming use to expand. This would appear to invalidate Providence's application to expand a legal non conforming use. You can not expand something that has ceased to exist.

Second, Providence Development, LLC's application packet to the City of Saint Paul listed their intent to expand an existing nonconforming use on their application sheet, letter, and in diagrams. The City of Saint Paul indicated on their public hearing postcards that the applicant is proposing to add living space to the unfinished attic space as reason for Providence's application. The property owner petition form Providence provided to property owners within 100 feet state that the purpose of their application is to "establish a 4-plex at 890-892 Goodrich Ave." This is inaccurate and would indicate that Providence is applying to re-establish a nonconforming use (which ceased to exist). It would have been more accurate to state something to the effect that, "to establish an expansion of an existing legal nonconforming use for 890-892 Goodrich Ave." While I am not contending at this time anyone has attempted to re-establish a nonconforming use with this application, its acceptance by the City of Saint Paul may have the unintended effect of re-establishing a nonconforming use. No one who signed those petition sheets was aware of this possibility and did not sign off in support of re-establishing a nonconforming use.

I request that you do not utilize these property owner signatures for the purpose of re-establishment of a non conforming use. If Providence Development, LLC wishes to apply to re-establish a non-conforming use for 890-892 Goodrich they should be required to apply specifically for that purpose and obtain new petitions from the property owners.

Third, I want to point out that Providence Development, LLC was required to provide 12 property owner signatures for their application. Two of the signatures are in question. Jim Phillippi (877 Goodrich) was not in the application packet or shown in the City listings provided as a property owner within 100 ft. Ray McLevish (903 Goodrich) tells me that he no longer holds an ownership interest at 903 Goodrich. This may be a moot point since hearings for their application have already been scheduled. Several people who originally signed Providence's application petition are furnishing new petitions / statements in opposition of the application. This is in light of new information and marking a more informed choice as nearby property owners. When the above-referenced questioned signatures are combined with property owners who have changed their minds it appears that there may be less than the required 12 signatures and less support for the application.

Sincerely,


Gregory Cruz
872 Goodrich Ave.
Saint Paul, MN

June 19, 2012

Understanding The Story Behind 890-892 Goodrich Avenue and What Its Redevelopment Means To Our Neighborhood



by Gregory Cruz

Virtually all residents and neighbors I have spoken with regarding Millie Stone's old residence (now owned by Providence Development, LLC) at 890 and 892 Goodrich want to see it improved and become an asset for our neighborhood. Millie sold her property to Providence Development out of the west metro last November for \$200,000. This sounds like a remarkable price for a property in Summit Hill. Millie's old place needs a ton of TLC. Providence started contracting work and applied for building permits and has applied for a variance for an expansion for a legal nonconforming use for the property. This means that Saint Paul Zoning Dept. allows the property RT-1 (permitted residential) zoning while also allowing for a use that is not otherwise legally permitted in an area (3-4 family legal non-conforming use).

890 and 892 Goodrich started out in 1890 as a two family home and over the years each of the two sides of the building were split up. This was during a time when zoning was essentially non-existent and most people could "chop up" and rent out properties even if it was not entirely in the best interest of the neighborhood or of the home's architectural integrity. I am sure that you can think of lovely old homes around Saint Paul that were maimed during the Great Depression, the housing shortage following World War II or during urban flight to the suburbs years ago. Millie's home was not spared. This not only changed the character of the residence, it contributed to changing the character of the neighborhood. Gradually residents chose to save the character of their homes and worked toward stabilizing the neighborhood.

Again, I don't believe anyone wants to stand in the way of developing Millie's old home and we all want to see it occupied by stable and considerate neighbors. Most want to see the property owned and operated by someone who will balance their intent to make a profit with the desires and concerns of their neighbors and with the community at large. It is fair to say that no one will care more about their neighborhood than someone who lives in it. That is why I am taking this opportunity to share my thoughts with you.

We all know that the property is going to be re-developed one way or another. Summit Hill is a good area and the prospects for renting the property or renovating it and selling it are reasonable. Why would Providence otherwise purchase it? The developer wants to maximize the return on their investment by expanding additional living space into the non-finished attic at 890-892 Goodrich and utilizing the property as an expanded non-conforming four unit.

I received a letter from Providence requesting support for their expansion of use petition. I heard from various neighbors who signed the petition with concerns about what they have learned. Concerns include hearing that Providence intended to restore the exterior siding but changed their mind to paint the existing asbestos siding and aluminum trim. When I personally questioned Mr. Hjelle of Providence Construction about the exterior treatment he was evasive and non-committal. A neighbor shared that there was little or no insulation in the exterior walls but Providence would not be insulating the property. We were puzzled at this and wondered why Providence would skimp on something so fundamental as it would be relatively simple and economical to insulate during remodeling. Questions have been raised regarding stairs for access to the upper floors as they are steep with sharp turns and not easily navigable. I would expect that my neighbors likely have even more concerns than this.

Hearing issues such as these from more than one person piqued my interest and made me decide to look deeper into the history and zoning of the property. I have learned that the various departments of the City of Saint Paul treat this property in different ways when it comes to classifying zoning and type of structure. The City Planning Dept. has the property zoned RT-1 residential, 3-4 family legal non conforming and the City Dept of Safety and Inspections considers the entire building a

duplex. I believe that 3-4 unit properties with a legal nonconforming use (as compared to owner-occupied two-family units) in Saint Paul are required to have a Fire Certificate of Occupancy and regular inspections.

There are Truth In Housing statements on file from the sale of the property last year showing the property as a 'legal duplex' (please see attached). I was also told there was a building permit issued by the St. Paul Dept. of Safety and Inspections on Aug. 4, 2000 issued to Greyhawk Building for roof, siding and porch work that lists the property as a duplex. The building official for the Safety and Inspections Dept., whose job it is to determine zoning enforcement, declared the entire building of 890-892 as two units in 2001 following inspection by that department. It is important to note that there is only one property ID number and Dept. of Safety and Inspections record system references it along with 890-892 Goodrich for having two units total and not 3 or 4 units. Please see the attached records provided by Leanna Shaff, Supervisor with the Safety and Inspection Dept. (Note: A reference to the building as a "4-plex" in the notes section of one of the user screens was input by Karen Zacko of the Planning Dept. and not by the Safety and Inspections Dept). The Safety and Inspections Dept. are the official "eyes" of the City and determined back in 2001 that the property was one two-unit family building as it was utilized in that manner.

I reviewed the City of Saint Paul zoning code, particularly paying close attention to sections related to 'legal non-conforming uses'. It is my contention that there is a basis for asserting the legal non-conforming use was abandoned/forfeited/allowed to lapse by Millie Stone through non-use of the property as a 3-4 unit as far back as 1984-85. It was generally known to neighbors that Millie lived in the residence alone for many years (27). The City Zoning code clearly provides for such an abandonment of a nonconforming use and states that the burden of proof is upon the owner to prove "use" of a property's legal non-conforming use on a continuous basis. The zoning code includes that when a nonconforming use is discontinued or ceases to exist for a continuous period of 365 days it will be considered an abandonment of the property's legal non-conforming use.

I have lived three doors east from Millie since 2004 and have never seen anyone else live there during this time. The City Zoning code appears revolve around the word 'use' regarding abandonment of legal non-conforming use - but City Planning Dept. office policy is skewed toward physical changes. I asked the Planning Dept. to clarify what constitutes "use". I was told that such things as "removal of items such as locks, appliances, toilets, etc. would show that the property was no longer used as a 3-4 unit." I asked for this guideline in writing. I was told this information was merely the Planning Dept's "office guidelines" and there is nothing in writing. Pursuing further clarification I was told that the four unit walls could remain but the owner would have to freely move between the units. Since 1984 Millie utilized two of the "units" at 892 (one upper and one lower) by living in them essentially as an owner-occupied two-family dwelling. The other two "units" were not lived in or rented out at 890 Goodrich from 1984 through 2011.

It is important to note that in regard to non-conforming uses most municipalities differentiate between the 'use' (what actually happens in the building; how people live in it or 'use' it) of a residence versus the 'structural' aspect (are walls moved, removed, kitchen or bath removed?). The Saint Paul City Zoning Code clearly states that in regards to legal nonconforming uses in Section 62.102 "'use" means the principal purpose for which land or a building is being occupied". From 1984 through 2011 Millie did not maintain the property occupied as a 3-4 legal unit nonconforming use as its "principal purpose". The Saint Paul Zoning Dept's "office guidelines" (again, which are not in writing) appear to impose a structural and/or physical litmus test which is not in a similar vein as the building code which specifies "being occupied" as necessary for "use" (Sec 62.102). At

the end of the day I believe there is plenty of case law (including MN judgments) that will support an argument that the prior legal nonconforming use was abandoned for 890-892 Goodrich.

Since legal non-conforming uses are contrary to what is normally legally allowed in an area, many municipalities seek to eventually get a property to a conforming use appropriate for its neighborhood. All city departments as well as the residents in the area have a unique opportunity to clear up the zoning questions on this property.

A two-family dwelling fits with the character of the neighborhood and block and is a conforming use. Less proof of this is required than to look to why Providence is seeking an expansion of a non-conforming use to enlarge some of the "units". They feel the area for four units is not enough living space. It appears that this property is either a right-sized two family structure as it was originally designed and built or it's a cramped multi unit cut up into many separate pieces with an awkward layout.

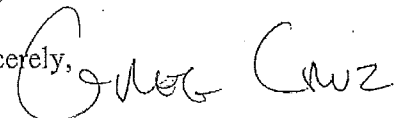
There is the possibility that the current or a future owner could request a variance to add rental units to the basement. The owner is not requesting this at this time, but there is nothing to keep this from happening in the future. Expansion into the attic could perhaps lead to the possibility of the current or future owner utilizing the property as a 5 or 6 unit without making the city aware.

Expansion of or re-establishing a non-conforming use will impact parking in the immediate vicinity and create a ripple effect for the entire block. Our block of Goodrich Ave. joined the Area 9 permit parking area to aid in the protection and safety of children and pedestrians by reducing hazardous traffic conditions, and to help lessen noise and pollution, and to preserve the character of Goodrich Ave. as a residential district. Even though the developer has indicated four to five off-street parking spots, it is likely that on-street parking will add anywhere from 4 to 10 additional residential autos (this is based upon my observation of a five unit building near my house which averages 11-12 resident autos parked on the street most evenings) plus additional visitor parking to this block of Goodrich Ave.

In conclusion, there is no reason for any of us to be desperate to have someone splash some paint upon Millie's old home, pack as many people into it as possible and call it appropriate 'progress' or 'improvement'. We don't need to be threatened by a developer that will "Dump the property and leave it vacant" (Greg Hjelle's words to me). This does not sound like someone who is committed to neighbors living next to his property or someone who cares about what you think unless it contributes to his bottom line. One can only imagine how we all will be treated by such a non-resident landlord if Providence is allowed to get what they want from us at this time.

Have you ever made a decision without having enough information only to regret it later? I ask each of us to look at all the facts and the situation while exercising patience, prudence and reasonable judgment. I respectfully submit that this is the only way to make informed decisions that affect our neighborhood.

Sincerely,



Gregory Cruz
872 Goodrich Ave.
Saint Paul, MN

651-690-2828 gregcruz@msn.com

June 18, 2012



The City of Saint Paul

Minnesota's Capital City

Permits Online

Info Main City Contact

890 GOODRICH AVE -- Property Information --

PIN	Zoning/Use	HPC District
022823340006	RT1 / R-Three/Four Family Legal Non-Conforming	

Information disclaimer...

Data Disclaimer:-

The City of Saint Paul and its officials, officers, employees or agents does not warrant the accuracy, reliability or timeliness of any information published by this system, and shall not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of such information. Portions of such information may be incorrect or not current. Any person or entity that relies on any information obtained from this system does so at his or her own risk.

List of Activity...

Number	Address	Description	Details	Status
12 065215 000 00 PC	Providence Development LLC	Enlargement of the upper two units of a nonconforming 4-plex into unfinished attic space	Planning Commission Cases Type: NUP - Enlargement Work Type: Multi-family Residential Entered on: 05/31/2012	Pending
12 038350 EXC 00 RW	892 GOODRICH AVE	REROUTE GAS SERVICE FOR CUSTOMER XCEL PROJECT- 11633500 GSOC TKT- 120871166 CROSS STREET- VICTORIA ST S 60' OF PARKING LANE FOR EQUIPMENT	PW Right of Way Permit Type: Obstruction Work Type: Utility Entered on: 03/29/2012 Closed on: 06/06/2012	Finalized
12 020525 GAS 00 M	892 GOODRICH AVE	Mechanical Permit Type: Gas Residential Replace Issued Date: 02/13/2012 Contractor: Total Air Inc Estimated Value: \$500.00	Activity (most recent first): Web Application Review-Mechanical: 02/10/2012: Approved to Pay Mechanical Permit Type: Gas Residential Replace Issued Date: 02/13/2012 Contractor: Total Air Inc Estimated Value: \$500.00	Active/Issued
12 020508 GAS 00 M	890 GOODRICH AVE	Mechanical Permit Type: Gas Residential Replace Issued Date: 02/13/2012 Contractor: Total Air Inc Estimated Value: \$500.00	Activity (most recent first): Web Application Review-Mechanical: 02/10/2012: Approved to Pay Certificate of Occupancy Type: Residential 3+ Units Occupancy Type: Dwelling Units Residential Units: 2 Renewal Due Date: Jan 19, 2012	Active/Issued
12 007779 000 00 CO	890-892 GOODRICH AVE	Certificate of Occupancy Type: Residential 3+ Units Occupancy Type: Dwelling Units Residential Units: 2 Renewal Due Date: Jan 19, 2012		Renewal Due

12 004273 892 Warm Air, Ventilation & General Sheet Active/Issued
 WRM 00 W GOODRICH Type: Warm Air Only Residential Replace
 AVE Issued Date: 01/17/2012
 Contractor: Total Air Inc
 Estimated Value: \$9,000.00

Activity (most recent first):
 Web Application Review-Warm Air: 01/17/2012:
 Approved to Pay

12 004259 890 Warm Air, Ventilation & General Sheet Active/Issued
 WRM 00 W GOODRICH Type: Warm Air Only Residential Replace
 AVE Issued Date: 01/17/2012
 Contractor: Total Air Inc
 Estimated Value: \$9,000.00

Activity (most recent first):
 Web Application Review-Warm Air: 01/17/2012:
 Approved to Pay

12 002027 890 Electrical Permit Active/Issued
 S&C 00 E GOODRICH Type: Service & Circuits Residential Repair/Alter
 AVE Issued Date: 01/06/2012
 Contractor: Nash Electric LLC
 Estimated Value: \$16,000.00

11 268567 892-890 Truth In Sale of Housing Inspection (Most Recent) Completed
 000 00 TH GOODRICH Type: Duplex
 AVE Report Date: Aug 15, 2011
 Owner: William C Stone/Mildred A Stone
 Evaluator: Bernis Clement Clement Evaluations and
 Inspections Inc
 Smoke Detector Hardwire: N

Documents:

08/26/2011: TISH Evaluator's disclosure Report

Move
Top

11 268562 890-892 Truth In Sale of Housing Inspection (Most Recent) Completed
 000 00 TH GOODRICH Type: Duplex
 AVE Report Date: Aug 15, 2011
 Owner: William C Stone/Mildred A Stone
 Evaluator: Bernis Clement Clement Evaluations and
 Inspections Inc
 Smoke Detector Hardwire: N

Documents:

08/26/2011: TISH Evaluator's disclosure Report

01 219326 892 Four unit building in disrepair. No certificate. Should have a team inspection. Inspected exterior (no entry). Building has only one electrical meter and appears to be occupied as a single family dwelling. Will check with Xcel Energy to determine number of units-09-07-01. Dave B. Referral Type: C of O Closed
 000 00 RF GOODRICH AVE Entered on: 02/12/1996
 Closed on: 12/17/2001



Four unit building in disrepair. No certificate. Should have a team inspection. Inspected exterior (no entry). Building has only one electrical meter and appears to be occupied as a single family dwelling. Will check with Xcel Energy to determine number of units-09-07-01. Dave B.

Multiple pages of City of Saint Paul computer records system provided by Leanna Shaff, Supervisor with City of Saint Paul Dept. of Safety and Inspections. All circled information, arrows, and/or written comments on these pages are Leanna's. She explained to me that these items point to the history of the property as being a duplex.

790092808 User: Shaff, Leanna, Signed On: 12/17/2001

Edit Actions Reports Window Help

Mark All Pick Accept Review Detail Query To-Do List Property People Folder Call Center Exit

AVADA

y (1) | People (2) | Info (5) | Fee/Charge (2) | Process (4) | Document (4) | Comment |

der # Ref
000 00 CQ 118028

Folder 01 219326 000 00 RF Process 25005 Referral Re-Inspection

Property 892 GOODRICH AVE Inspection #

Status: Comply User: Urmann, Michael Start Date: 12/31/2001 00:00:00 End Date: 12/31/2001 00:00:00

Sign Off: Urmann, Michael Actual: 12/17/2001 00:00:00

Discipline: Inspection BaseLine: 12/17/2001 00:00:00

Print Flag ☒ Mandatory ☐ Assign To-Do ☐ Scheduled ☐

Display Order: 103 File Location: ProcessRSN: 1590530 Priority:

COMMENTS: On investigation with code enforcement we have found that this building is a duplex insp. Seeley well be doing a follow up close this comp/MGU

Attempt (1) Memo Deficiency (3)

Date	User	Comment	Result	Time	Overtime	Unit	Mileage	Expense
12/17/2001	Urmann, Michee		Comply	0			0	

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Related View

Start Today	End on Start	Repeat	File Location	Reschedule	Re-Default
End Today	End on Due	Assign	Sign Off		

4 Rows Returned

2 Rows Returned

at window and its child windows

Folder | Property (2) | People (3) | Info (54) | Fee/Charge | Process (1) | Document (1) | Comment (1)
INFO

Folder #	Ref	Description	Mand.	Value	Type
2001 219325 000 00 RP		Perf-Based Design Comments	<input checked="" type="checkbox"/>		Alpha
		Landlord Training Class	<input checked="" type="checkbox"/>		Pick
		Renewal Due Date	<input checked="" type="checkbox"/>	Jan 19, 2012	Date
		Inspection Date	<input type="checkbox"/>		Date
		Inspection Time	<input type="checkbox"/>		Alpha
		Is this a City Owned Building?	<input type="checkbox"/>	No	Yes or No
		Business/Building Name	<input type="checkbox"/>		Alpha
		Contact	<input checked="" type="checkbox"/>	Greg 612-209-2698	Alpha
		Commercial Square Feet	<input checked="" type="checkbox"/>		Numeric
		Possible Student Housing?	<input checked="" type="checkbox"/>	No	Yes or No
		Total Residential Units	<input checked="" type="checkbox"/>	2	Numeric
		Num Res Units Used In Grading	<input type="checkbox"/>		Numeric
		Class	<input type="checkbox"/>		Pick
		Score	<input checked="" type="checkbox"/>		Numeric
		Number of Stories	<input checked="" type="checkbox"/>		Numeric
		Number of Basement Levels	<input checked="" type="checkbox"/>		Numeric
		Primary Occupancy Type Name	<input checked="" type="checkbox"/>	Dwelling Units	Pick

☒ List View
 ☐ Related View

Encrypt/Decrypt

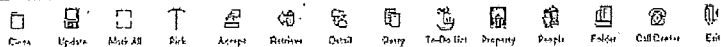
Set Values

54 Rows Returned

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2 Rows Returned

Ready



Folder: 12 065215 000 00 PC

Property (1) | People (2) | Info (45) | Fee/Charge (1) | Process (1) | Document (6) | Comment

Folder#	Ref	Prop.RSN	FIN	Address	Lot	Relation	Violation Col
2000 136390 RPP 00 B							
2000 138282 RPP 00 B							
2000 146260 S&C 00 E							
2000 146251 FLD 00 BW							
2002 100443 EXT 00 CS							
2004 100503 EXT 00 CS							
2011 227436 000 00 PE	0220233						
2011 268562 000 00 TH							
2011 268567 000 00 TH							
2012 062027 S&C 00 E							
2012 004253 VAPM 00 W							
2012 007773 000 00 CO	118028						
2012 019443 EXT 00 CS							
2012 020142 PEM 00 B							
2012 020503 GAS 00 M							
2012 027735 000 00 ZW							
2012 028941 EXT 00 CS							
2012 050030 000 00 GT							

1 Row Returned

19 Rows Returned

Close Update MarkAs Fix Accept Review Detail Query To-Do List Property People Fields CallCenter Exit

Folder #	Ref. #	In Date	Issued	Status	Folder Name	Folder Description
2000 138262 RFR 00 B		08/04/2000	08/04/2000	Canceled	890 GOODRICH AVE	Closed by Amanda Database Owner
2000 146260 S&C 00 E		10/10/2000		Withdrawn	890 GOODRICH AVE	
2000 146261 FLD 00 BW		10/10/2000		Closed	890 GOODRICH AVE	
2002 100443 EXT 00 CS		02/15/2002	02/15/2002	Closed	890 GOODRICH AVE	History is in EXL file # 317784
2004 100503 EXT 00 CS		06/10/2004	06/10/2004	Closed	890 GOODRICH AVE	Attic windows broken and pigeons nesting in it
2011 227436 000 00 RE	022823340006	06/03/2011		Open	890 GOODRICH AVE	
2011 268562 000 00 TH		08/26/2011	08/15/2011	Completed	890-892 GOODRICH AVE	
2011 268567 000 00 TH		08/26/2011	08/15/2011	Completed	892-890 GOODRICH AVE	
2012 002027 S&C 00 E		01/06/2012	01/06/2012	Active/Issued	890 GOODRICH AVE	
2012 004259 W&M 00 W		01/12/2012	01/17/2012	Active/Issued	890 GOODRICH AVE	
2012 007779 000 00 CO	118028	01/19/2012		Renewal Due	890-892 GOODRICH AVE	
2012 019440 EXT 00 CS		02/07/2012	02/07/2012	Resolved	890 GOODRICH AVE	IN THE REAR YARD AND AROUND THE GARAGE
2012 020142 REW 00 B		02/08/2012		Under Review	890 GOODRICH AVE	permit application and plans in hold file. IN4
2012 020508 GAS 00 M		02/09/2012	02/13/2012	Active/Issued	890 GOODRICH AVE	
2012 027735 000 00 ZW		02/27/2012		Open	890 GOODRICH AVE	This is a LNC 4 plex, the owner intends to exp
2012 028941 EXT 00 CS		02/29/2012	02/29/2012	Resolved	890 GOODRICH AVE	Possible dumpster on property, no permit
2012 050030 000 00 GT		04/27/2012		Closed	890 GOODRICH AVE	Owner expanding into attic area, previously us
2012 065215 000 00 PC		05/31/2012		Pending	Providence Development LLC	Enlargement of the upper two units of a nonco

iv Show no. of rows on tabs

19 Rows Returned

STAMP - Activity Detail[New Search](#)[Help using this report](#)[E-mail Service Desk](#)**892 Goodrich Ave**Click [here](#) to view all activity for this propertyClick [here](#) to access other applications using this address - GISmo, MapIT, and Ramsey County Info

Run Date: 06/18/12 08:47 AM

Folder ID#: 12 007779

In Date: 01/19/12

Issued
Date:

Status: Renewal Due

Closed:

Type: CO - Certificate of Occupancy - Residential 3+ Units

Reference#: 118028

Condition:

This is a LNC 4 plex, the owner intends to expand into the attic which requires an expansion of a nonconforming use permit. Do Not Issue Any Permits until this is resolved per zoning.kz

Comment:

01/19/2012 Jean LaClare: JL new owner called to register property. Ramsey Cty lists 892 Goodrich as a multi unit bldg, it does not list 890 Goodrich.

People:**Owner:**

Christopher Randall Johnson
17760 Ballantrae Cir
Minneapolis MN 55437-3435

Responsible Party:

Providence Development
10382 Greyfield CT
Eden Prairie MN 55347-4628
612-209-2698

Previous Owner:

William C Stone
892 Goodrich Ave
St Paul MN 55105-3124
651-929-6347

Property:

890 GOODRICH AVE, PIN: 022823340006
892 GOODRICH AVE, PIN: 022823340006

There is only one
PIN for both
addresses. It is one
property.

Comments from
Leanna Shaff of St.
Paul Safety and
Inspections plus
her initials.

Info Value:

Renewal Due Date: Jan 19, 2012
Is this a City Owned Building?: No
Contact: Greg 612-209-2698
Possible Student Housing?: No
Total Residential Units: 2
Primary Occupancy Type Name: Dwelling Units
Primary Occupancy Group: RT1
Fireworks Permit?: No

Pre-Inspection

Assigned To: Beumer, William

Comment: Units: 4, Dwelling Units

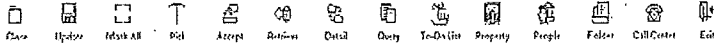
3/8/12 Called PO to check status of building. PO not available. Will check back next week.

BB

3/20/12 Called PO and left vm. BB

4/25/12 Spoke with RE. They are waiting on zoning variance to proceed with rehab project.
They will call after approval for insp of building prior to rehab.

Next Schedule: 12/20/11



Folder #	Ref	Cen.	Yr.	Sequence	Sec	Rev	Type	Status
2001 219326 000 00 RF		12	007779	000	00	CO	Certificate of Occupancy	Renewal Due

House	Prefix	Street	Type	Direction	Unit Type	Unit
892		GOODRICH	AVE			

City: ST PAUL Zip Code: 55105-3124 PIN: 022823340005 Property Row ID: 132761

Location: Holdemans Addition E 30 Ft Of Lot 9 And All Of Lot 8 Blk 1 Folder Unit:

Indicators
Violations <input checked="" type="checkbox"/>
Proposed <input checked="" type="checkbox"/>
Parent <input type="checkbox"/>
Child <input type="checkbox"/>
Due \$0.00

In Date: Jan 19, 2012 Issue/Approval: Expires:

COFO File: 118023 By: Final Date:

Sub: Residential 3+ Units Work Proposed:

Name: 890-892 GOODRICH AVE Priority: 6

Description:

Conditions: This is a LNC 4 plex, the owner intends to expand into the attic which requires an expansion of a nonconforming use permit. Do Not Issue Any Permits until this is resolved per zoning.kz

Group: Fire Prevention Parent ID: Row ID: 3358692

List View Related View Copy Create Child Revise Issue/Approve Print R=Default Summary

Show no. of rows on tabs

2 Rows Returned

Notes per Karen Zacko of the Planning Dept.

39. Smoke detector Information:

Smoke detector(s) Y
 Properly located N
 *Hard-Wired H

*If N or H see note on p. 3, item 39

Disclosure Report

St. Paul Truth-In-Sale of Housing

(Carefully read this entire report)

Office Use, ONLY:

Date Received _____

Payment Ref: _____

THIS REPORT IS NOT A WARRANTY, BY THE CITY OF ST. PAUL OR EVALUATOR OF THE FUTURE USEFUL LIFE, OR THE FUTURE CONDITION OF ANY BUILDING COMPONENT OR FIXTURE.

Notice: A copy of this Report must be publicly displayed at the premises when the house is shown to prospective buyers, and a copy of this Report must be provided to the buyer prior to the time of signing a Purchase Agreement.

Address of Evaluated Dwelling: 890 Goodrich Ave.

Addresses without the correct street type and/or direction may be returned and may incur a late fee.

Owner's Name: Mildred StoneOwner's Address: 892 Goodrich Ave., St. Paul, MN 55105Current Usage
of this dwelling:

☐ Single Family ☐ Townhouse ☐ Condo*
☒ Duplex ☐ Other _____
 Usage may not be legal. See below.

*For condominium units, this evaluation includes only those items located within the residential units and does not include the common use area, or other residential areas of the structure.

Comments:

PROPERTY LOCATION AND POSSIBLE USE RESTRICTION INFORMATION

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According to information provided to Truth-In-Sale of Housing Evaluators by the City of St. Paul this property:

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 Even if this box is not now marked this dwelling may become a vacant building before the 1 year expiration date of this report.

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This Report:

1. is intended to provide basic information to the home buyer and seller prior to the time of sale. This report WILL NOT be used to enforce the requirements of the Legislative Code; however, this evaluation form will be used by the Fire Department to determine if there is compliance with the requirements for hard-wired smoke detectors.
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3. is not warranted, by the City of St. Paul, nor by the evaluator for the condition of the building component, nor of the accuracy of this report.
4. covers only the items listed on the form and only those items visible at the time of the evaluation. The Evaluator is not required to operate the heating plant (except during the heating season), use a ladder to observe the condition of the roofing, disassemble items or evaluate inaccessible areas.
5. is valid for one year from the date of issue and only for the owner named on this report.

Questions regarding this report should be directed to the evaluator. Complaints regarding this report should be directed to Department of Safety and Inspections, Truth-in-Sale of Housing Program, Phone No. 651-266-1900.

EVALUATOR: Bernis Clement PHONE: 651-698-3454 DATE: 08/15/2011 Rev 3/2009

Address 890 GOODRICH AVE.Date 08/15/2011page 1 of 5

Property Address: 890 Goodrich Ave.

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable

Item #	Comments
Specify location(s), where necessary	
BASEMENT/CELLAR	
1. Stairs and handrails	<u>B</u> 1. B No handrail.
2. Basement/cellar floor	<u>B</u> 2. B Crack(s).
3. Foundation	<u>B</u> 3. B Loose/missing mortar.
4. Evidence of dampness or staining	<u>Y</u> 4. Y Evidence of past staining.
5. First floor, floor system	<u>C</u> 5. C Not all visible, areas finished, what observed "M".
6. Beams and columns	<u>B</u> 6. B Adjustable metal jack(s) in use. Adjustable jack(s) not properly installed.
ELECTRICAL SERVICE(S) # of Services <u>1</u>	
7. Service size:	8. C One electric service for 890/892 Goodrich Ave.
Amps: 30 60 100 150 Other <u>XXX</u>	8. H Missing dead front panel cover. Pendulum fixture(s). Missing shell ring insulator(s). No ground jumper around water meter. Damaged fixture(s). Exposed wire(s).
Volts: 115 115/220 <u>X</u>	9. B Loose conduit. Unprotected light bulb in closet(s).
BASEMENT ONLY:	
8. Electrical service installation/grounding	<u>H,C</u> 10. H Dry trap(s).
9. Electrical wiring, outlets and fixtures	<u>B</u> 12. B Missing anti-siphon device at exterior faucet(s). Bi-metal connection(s). Rust/corrosion at water pipe(s). Leak(s) at water piping.
PLUMBING SYSTEM	
10. Floor drain(s) (basement)	<u>H</u> 13. B Missing gas valve(s).
11. Waste and vent piping (all floors)	<u>M</u> 14. B Missing water supply shut off valve.
12. Water piping (all floors)	<u>B</u> 14. H Valve in temperature/pressure discharge pipe.
13. Gas piping (all floors)	<u>B</u> 16. H Faucets below, laundry tub, flood level rim.
14. Water heater(s), installation	<u>H,B</u> 17A B Latch not removed from combustion chamber door. No self closing device on combustion chamber door. Boiler appears to be low on water. No pressure relief valve discharge line.
15. Water heater(s), venting	<u>M</u> 17A C One boiler for 890 & 892 Goodrich Ave.
16. Plumbing fixtures (basement)	<u>H</u> 17C C Warm weather, did not evaluate operation or draft.
HEATING SYSTEM(S) # of <u>1</u>	
17. Heating plant(s): Type: <u>Water</u> Fuel: <u>Oil</u>	19. B Loose ash trap door.
a. Installation and visible condition	<u>B,C</u> 19. C Two water services for 890/892 Goodrich Ave..
b. Viewed in operation (required in heating season)	<u>N</u> One combined basement for 890/892 Goodrich Ave.
c. Combustion venting	<u>C</u>
The Evaluator is not required to operate the heating plant(s), except during heating season, between October 15 and April 15.	
18. Additional heating unit(s) Type: _____ Fuel: _____	
a. Installation and visible condition	<u>-</u>
b. Viewed in operation	<u>-</u>
c. Combustion venting	<u>-</u>
19. ADDITIONAL COMMENTS (1 through 18) <u>B,C</u>	

EVALUATOR: Bernis Clément

DATE: 08/15/2011

Page 2 of 5
Rev 3/2009

Property Address: 890 Goodrich Ave.

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable

Where there are multiple rooms to a category, the Evaluator must specify the room to which a Comment is related.

Item # Comments

KITCHEN

20. Walls and ceiling	<u>B</u>
21. Floor condition and ceiling height	<u>M</u>
22. Evidence of dampness or staining	<u>N</u>
23. Electrical outlets and fixtures	<u>B</u>
24. Plumbing fixtures	<u>B</u>
25. Water flow	<u>B</u>
26. Window size/openable area/mechanical exhaust	<u>M</u>
27. Condition of doors/windows/mech. exhaust	<u>M</u>

LIVING AND DINING ROOM(S)

28. Walls and ceiling	<u>B</u>
29. Floor condition and ceiling height	<u>C</u>
30. Evidence of dampness or staining	<u>N</u>
31. Electrical outlets and fixtures	<u>H</u>
32. Window size and openable area	<u>M</u>
33. Window and door condition	<u>M</u>

HALLWAYS, STAIRS AND ENTRIES

34. Walls, ceilings, floors	<u>M</u>
35. Evidence of dampness or staining	<u>N</u>
36. Stairs and handrails to upper floors	<u>-</u>
37. Electrical outlets and fixtures	<u>H</u>
38. Window and door condition	<u>M</u>
39. Smoke detector(s)	<u>Y</u>
Properly located	<u>N</u>
* Hard-wired (HWSD)	<u>H</u>

*if N or H in a single family home then SPFire Dept requires HWSD installation

BATHROOM(S)

40. Walls and ceiling	<u>M</u>
41. Floor condition and ceiling height	<u>C</u>
42. Evidence of dampness or staining	<u>N</u>
43. Electrical outlets and fixtures	<u>B</u>
44. Plumbing fixtures	<u>H</u>
45. Water flow	<u>B</u>
46. Window size/openable area/mechanical exhaust	<u>M</u>
47. Condition of windows/doors/mech. exhaust	<u>M</u>

SLEEPING ROOM(S)

48. Walls and ceiling	<u>M</u>
49. Floor condition, area, and ceiling height	<u>M</u>
50. Evidence of dampness or staining	<u>N</u>
51. Electrical outlets and fixtures	<u>M</u>
52. Window size and openable area	<u>M</u>
53. Window and door condition	<u>M</u>

ENCLOSED PORCHES AND OTHER ROOMS

54. Walls, ceiling, and floor, condition	<u>NA</u>
55. Evidence of dampness or staining	<u>NA</u>
56. Electrical outlets and fixtures	<u>NA</u>
57. Window and door condition	<u>NA</u>

ATTIC SPACE (Visible Areas)

58. Roof boards and rafters	<u>NA</u>
59. Evidence of dampness or staining	<u>NA</u>
60. Electrical wiring/outlets/fixtures	<u>NA</u>
61. Ventilation	<u>NA</u>
62. ADDITIONAL COMMENTS (20 through 61)	<u>H</u>

CO Detector information reported here

LOWER UNIT

20. B Peeling paint. Damaged areas.
 23. B Insufficient number of outlets.
 24. B Water off at sink.
 25. B Low/No flow, water off at sink.
 28. B Peeling paint. Damaged areas.
 29. C Floor(s) slope.
 31. H Missing cover plate(s).
 37. H Missing fixture(s). Exposed wiring.
 39. H No hardwired smoke detector.
 41. C Floor(s) slope.
 43. B Missing insulating link in metal pull.
 44. H Toilet does not operate.
 45. B No flow at some faucets.
 62. H No carbon monoxide detector within 10' of bedroom(s).

EVALUATOR: Bernis Clement

DATE: 08/15/2011

Page 3 of 5
Rev 3/2009

Property Address: 890 Goodrich Ave.

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Where there are multiple rooms to a category, the Evaluator must specify the room to which a Comment is related.

Item # Comments

KITCHEN

20. Walls and ceiling	B
21. Floor condition and ceiling height	M
22. Evidence of dampness or staining	N
23. Electrical outlets and fixtures	B
24. Plumbing fixtures	B
25. Water flow	B
26. Window size/openable area/mechanical exhaust	M
27. Condition of doors/windows/mech. exhaust	M

LIVING AND DINING ROOM(S)

28. Walls and ceiling	B
29. Floor condition and ceiling height	M
30. Evidence of dampness or staining	N
31. Electrical outlets and fixtures	B
32. Window size and openable area	M
33. Window and door condition	B

HALLWAYS, STAIRS AND ENTRIES

34. Walls, ceilings, floors	B
35. Evidence of dampness or staining	N
36. Stairs and handrails to upper floors	B
37. Electrical outlets and fixtures	M
38. Window and door condition	M
39. Smoke detector(s)	Y
Properly located	N
* Hard-wired (HWSD)	* H

*If N or H in a single family home then SPFire Dept requires HWSD installation

BATHROOM(S)

40. Walls and ceiling	B
41. Floor condition and ceiling height	M
42. Evidence of dampness or staining	N
43. Electrical outlets and fixtures	B
44. Plumbing fixtures	B,H
45. Water flow	B
46. Window size/openable area/mechanical exhaust	M
47. Condition of windows/doors/mech. exhaust	M

SLEEPING ROOM(S)

48. Walls and ceiling	B
49. Floor condition, area, and ceiling height	M
50. Evidence of dampness or staining	N
51. Electrical outlets and fixtures	H
52. Window size and openable area	M
53. Window and door condition	M

ENCLOSED PORCHES AND OTHER ROOMS

54. Walls, ceiling, and floor, condition	NA
55. Evidence of dampness or staining	NA
56. Electrical outlets and fixtures	NA
57. Window and door condition	NA

ATTIC SPACE (Visible Areas)

58. Roof boards and rafters	NA
59. Evidence of dampness or staining	NA
60. Electrical wiring/outlets/fixtures	NA
61. Ventilation	NA
62. ADDITIONAL COMMENTS (20 through 61)	H

CO Detector information reported here

UPPER UNIT

- 20. B Peeling paint.
- 23. B Insufficient number of outlets.
- 24. B Faucets stuck closed, unable to inspect.
- 25. B Faucets stuck closed, unable to inspect.
- 28. B Crack(s).
- 31. B Reversed polarity outlet(s).
- 33. B Peeling paint.
- 34. B Damaged area(s).
- 36. B Handrail not between 34" and 38" above nose of treads. Handrail does not return to wall.
- 39. H No hardwired smoke detector.
- 40. B Crack(s). Peeling paint.
- 43. B Missing pull at light fixture. No outlet, in bathroom.
- 44. B Faucets stuck closed, unable to inspect.
- 44. H No water to toilet.
- 45. B Faucets stuck closed, unable to inspect.
- 48. B Crack(s). Peeling paint.
- 51. H Missing shell ring insulator(s).
- 62. H No carbon monoxide detector within 10' of bedroom(s).

EVALUATOR: Bernis Clement

DATE: 08/15/2011

Page 4 of 5
Rev 3/2009

Property Address: 890 Goodrich Ave.

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable

EXTERIOR (Visible Areas)

63. Foundation	<u>B</u>
64. Basement/cellar windows	<u>B</u>
65. Drainage (grade)	<u>B</u>
66. Exterior walls	<u>M</u>
67. Doors (frames/storms/screens)	<u>B</u>
68. Windows (frames/storms/screens)	<u>B</u>
69. Open porches, stairways and decks	<u>M</u>
70. Cornice and trim	<u>B</u>
71. Roof structure and covering	<u>M</u>
72. Gutters and downspouts	<u>B</u>
73. Chimneys	<u>M</u>
74. Outlets, fixtures and service entrance	<u>M</u>

GARAGE(S)/ACCESSORY STRUCTURE(S)

75. Roof structure and covering	<u>B</u>
76. Wall structure and covering	<u>B</u>
77. Slab condition	<u>B</u>
78. Garage doors(s)	<u>B</u>
79. Garage opener(s) - (see important notice #6)	<u>N</u>
80. Electrical wiring, outlets and fixtures	<u>NA</u>
81. ADDITIONAL COMMENTS (62 through 80)	<u>B,C</u>

FIREPLACE/WOODSTOVES # of

82. Dampers installed in fireplaces	<u>Y</u>
83. Installation	<u>B</u>
84. Condition	<u>B</u>

SUPPLEMENTAL INFORMATION No determination is made whether items meet minimum standards (Y/N, NA, NV, only)

INSULATION	Y/N	Type	Inches/Depth
85. Attic Insulation	<u>NV</u>		
86. Foundation Insulation	<u>N</u>		
87. Kneewall Insulation	<u>NA</u>		
88. Rim Joist Insulation	<u>N</u>		

89. ADDITIONAL COMMENTS (81 through 88) -

I hereby certify I prepared this report in compliance with the St. Paul Evaluator Guidelines and all other applicable policies and procedures of the Truth-in-Sale of Housing Board. I have utilized reasonable and ordinary care and diligence and I have noted all conditions found that do not conform to the minimum standards of maintenance.

Bernis Clement
Evaluator Signature

651-698-3454
Phone Number

08/15/2011
Date

Page 5 of 5
Rev 3/2009

Printed Name: Bernis Clement

IMPORTANT NOTICES

- Any single family residence in St. Paul must have at least one smoke detector connected to the electrical system (hard-wired). The detector must be located near sleeping rooms. For more information call Fire Prevention, 651-266-9090. (St. Paul Legislative Code, Chapter 58.)
- Rainleaders connected to the sanitary sewer system must be disconnected. For more information call Public Works, Sewer Utility, (651) 266-6234.
- A house built before 1978 may have lead paint on/in it. If children ingest lead paint, they can be poisoned. For more information call Ramsey County Public Health, 651-266-1199.
- Neither the City of St. Paul nor the Evaluator is responsible for the determination of the presence of airborne particles such as asbestos, noxious gases such as radon, or other conditions of air quality that may be present, nor the conditions which may cause the above.
- If this building is used for any purpose other than a single family dwelling, it may be illegally zoned. To help you determine legal uses under the zoning ordinance, contact the Zoning Administrator at 651-266-9008.
- An automatic garage door should reverse upon striking an object. If it does not reverse it poses a serious hazard and should be immediately repaired or replaced.

39. Smoke detector Information:

Smoke detector(s) H
 Properly located N
 *Hard-Wired H

*If N or H see note on p. 3, item 39

Disclosure Report

St. Paul Truth-In-Sale of Housing

(Carefully read this entire report)

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Comments:

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Questions regarding this report should be directed to the evaluator. Complaints regarding this report should be directed to Department of Safety and Inspections, Truth-in-Sale of Housing Program, Phone No. 651-266-1900.

EVALUATOR: Bernis Clement PHONE: 651-698-3454 DATE: 08/15/2011 Rev 3/2009

Address 892 GOODRICH AVE.Date 08/15/2011Page 1 of 5

Property Address: 892 Goodrich Ave.

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable

BASEMENT/CELLAR

1. Stairs and handrails	<u>B</u>
2. Basement/cellar floor	<u>B</u>
3. Foundation	<u>B</u>
4. Evidence of dampness or staining	<u>Y</u>
5. First floor, floor system	<u>C</u>
6. Beams and columns	<u>B</u>

ELECTRICAL SERVICE(S) # of Services 1

7. Service size:
 Amps: 30 60 100 150 Other XXX
 Volts: 115 115/220 X

BASEMENT ONLY:

8. Electrical service installation/grounding	<u>H,C</u>
9. Electrical wiring, outlets and fixtures	<u>B</u>

PLUMBING SYSTEM

10. Floor drain(s) (basement)	<u>H</u>
11. Waste and vent piping (all floors)	<u>M</u>
12. Water piping (all floors)	<u>B</u>
13. Gas piping (all floors)	<u>B</u>
14. Water heater(s), installation	<u>H,B</u>
15. Water heater(s), venting	<u>M</u>
16. Plumbing fixtures (basement)	<u>H</u>

HEATING SYSTEM(S) # of 1

17. Heating plant(s): Type: Water Fuel: Oil

a. Installation and visible condition	<u>B,C</u>
b. Viewed in operation (required in heating season) ...	<u>N</u>
c. Combustion venting	<u>C</u>

The Evaluator is not required to operate the heating plant(s), except during heating season, between October 15 and April 15.

18. Additional heating unit(s) Type: Fuel:

a. Installation and visible condition	<u>-</u>
b. Viewed in operation	<u>-</u>
c. Combustion venting	<u>-</u>

19. ADDITIONAL COMMENTS (1 through 18) B,C

Item # **Comments**
 Specify location(s), where necessary

1. B No handrail.
2. B Crack(s).
3. B Loose/missing mortar.
4. Y Evidence of past staining.
5. C Not all visible, areas finished, what observed "M".
6. B Adjustable metal jack(s) in use.
Adjustable jack(s) not properly installed.
8. C One electric service for four units.
8. H Missing dead front panel cover. Pendulum fixture(s). Missing shell ring insulator(s). No ground jumper around water meter. Damaged fixture(s). Exposed wire(s).
9. B Loose conduit. Unprotected light bulb in closet(s).
10. H Dry trap(s).
12. B Missing anti-siphon device at exterior faucet(s). Bi-metal connection(s).
Rust/corrosion at water pipe(s). Leak(s) at water piping.
13. B Missing gas valve(s).
14. B Missing water supply shut off valve.
14. H Valve in temperature/pressure discharge pipe.
16. H Faucets below, laundry tub, flood level rim.
- 17A B Latch not removed from combustion chamber door. No self closing device on combustion chamber door. Boiler appears to be low on water. No pressure relief valve discharge line.
- 17A C One boiler for 890/892 Goodrich Ave.
- 17C C Warm weather, did not evaluate operation or draft.
19. B Loose ash trap door.
19. C Two water services for 890/892 Goodrich Ave.
One combined basement for 890/892 Goodrich Ave.

EVALUATOR: Bernis Clement

DATE: 08/15/2011

Page 2 of 5
 Rev 3/2009

Property Address: 892 Goodrich Ave.

Rating Key: M=Meets minimum B=Below minimum C=See Comment H=Hazardous Y=Yes N=No NV=Not Visible/Viewed NA=Not Applicable
Where there are multiple rooms to a category, the Evaluator must specify the room to which a Comment is related.

Item # Comments
LOWER UNIT

KITCHEN

- 20. Walls and ceiling B
- 21. Floor condition and ceiling height M
- 22. Evidence of dampness or staining N
- 23. Electrical outlets and fixtures M
- 24. Plumbing fixtures B
- 25. Water flow B
- 26. Window size/openable area/mechanical exhaust M
- 27. Condition of doors/windows/mech. exhaust ... M

LIVING AND DINING ROOM(S)

- 28. Walls and ceiling B
- 29. Floor condition and ceiling height M
- 30. Evidence of dampness or staining Y
- 31. Electrical outlets and fixtures M
- 32. Window size and openable area M
- 33. Window and door condition M

HALLWAYS, STAIRS AND ENTRIES

- 34. Walls, ceilings, floors B
- 35. Evidence of dampness or staining Y
- 36. Stairs and handrails to upper floors M
- 37. Electrical outlets and fixtures M
- 38. Window and door condition M
- 39. Smoke detector(s) H
- Properly located N
- * Hard-wired (HWSD) H

*If N or H in a single family home then SPFire Dept requires HWSD installation

BATHROOM(S)

- 40. Walls and ceiling B
- 41. Floor condition and ceiling height M
- 42. Evidence of dampness or staining N
- 43. Electrical outlets and fixtures M
- 44. Plumbing fixtures C
- 45. Water flow B
- 46. Window size/openable area/mechanical exhaust M
- 47. Condition of windows/doors/mech. exhaust ... M

SLEEPING ROOM(S)

- 48. Walls and ceiling B
- 49. Floor condition, area, and ceiling height M
- 50. Evidence of dampness or staining N
- 51. Electrical outlets and fixtures M
- 52. Window size and openable area M
- 53. Window and door condition M

ENCLOSED PORCHES AND OTHER ROOMS

- 54. Walls, ceiling, and floor, condition NA
- 55. Evidence of dampness or staining NA
- 56. Electrical outlets and fixtures NA
- 57. Window and door condition NA

ATTIC SPACE (Visible Areas)

- 58. Roof boards and rafters NA
- 59. Evidence of dampness or staining NA
- 60. Electrical wiring/outlets/fixtures NA
- 61. Ventilation NA
- 62. ADDITIONAL COMMENTS (20 through 61) H

CO Detector information reported here

- 20. B Damaged areas. Peeling paint.
- 24. B Unvented waste pipe(s).
- 25. B Low/No flow with load on system.
- 28. B Damaged areas.
- 30. Y Water damage.
- 34. B Damaged area(s).
- 35. Y Evidence of staining.
- 39. H No smoke detector. No hardwired smoke detector.
- 40. B Damaged areas. Missing tile.
- 44. C Personal property on toilet. Unable to evaluate.
- 45. B Below minimal water flow.
- 48. B Crack(s).
- 62. H No carbon monoxide detector within 10' of bedroom(s).

EVALUATOR: Bernis Clement DATE: 08/15/2011

Page 3 of 5
Rev 3/2009

Property Address: 892 Goodrich Ave.

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable

Where there are multiple rooms to a category, the Evaluator must specify the room to which a Comment is related.

Item # Comments

UPPER UNIT

KITCHEN

20. Walls and ceiling	B
21. Floor condition and ceiling height	M
22. Evidence of dampness or staining	N
23. Electrical outlets and fixtures	B
24. Plumbing fixtures	B
25. Water flow	B
26. Window size/openable area/mechanical exhaust	M
27. Condition of doors/windows/mech. exhaust	M

LIVING AND DINING ROOM(S)

28. Walls and ceiling	B
29. Floor condition and ceiling height	M
30. Evidence of dampness or staining	Y
31. Electrical outlets and fixtures	B
32. Window size and openable area	M
33. Window and door condition	M

HALLWAYS, STAIRS AND ENTRIES

34. Walls, ceilings, floors	B
35. Evidence of dampness or staining	Y
36. Stairs and handrails to upper floors	B
37. Electrical outlets and fixtures	H
38. Window and door condition	M
39. Smoke detector(s)	H
Properly located	N
* Hard-wired (HWSD)	H

*if N or H in a single family home then SPFire Dept requires HWSD installation

BATHROOM(S)

40. Walls and ceiling	B
41. Floor condition and ceiling height	C
42. Evidence of dampness or staining	N
43. Electrical outlets and fixtures	M
44. Plumbing fixtures	H
45. Water flow	B
46. Window size/openable area/mechanical exhaust	M
47. Condition of windows/doors/mech. exhaust	M

SLEEPING ROOM(S)

48. Walls and ceiling	B
49. Floor condition, area, and ceiling height	C
50. Evidence of dampness or staining	Y
51. Electrical outlets and fixtures	B
52. Window size and openable area	M
53. Window and door condition	M

ENCLOSED PORCHES AND OTHER ROOMS

54. Walls, ceiling, and floor, condition	B
55. Evidence of dampness or staining	Y
56. Electrical outlets and fixtures	H
57. Window and door condition	H

ATTIC SPACE (Visible Areas)

58. Roof boards and rafters	M
59. Evidence of dampness or staining	Y
60. Electrical wiring/outlets/fixtures	M
61. Ventilation	Y
62. ADDITIONAL COMMENTS (20 through 61)	H

CO Detector information reported here

- 20. B Crack(s). Peeling paint.
- 23. B Insufficient number of outlets.
- 24. B Water off at sink.
- 25. B Water off at sink, unable to inspect.
- 28. B Damaged areas. Peeling paint.
- 30. Y Evidence of staining.
- 31. B Reversed polarity outlet(s).
- 34. B Damaged area(s).
- 35. Y Evidence of staining.
- 36. B To attic; No handrail. Guardrail less than 38" high. More than 4" space between rails. Headroom less than 6'8".
- 37. H Exposed wires in closet.
- 39. H No smoke detector. No hardwired smoke detector.
- 40. B Crack(s). Damaged/missing tile. Peeling paint.
- 44. H Tub faucet below flood level rim.
- 45. B Low/No flow with load on system.
- 48. B Damaged area(s). Peeling paint.
- 49. C Floor(s) slope.
- 50. Y Evidence of staining.
- 51. B Reversed polarity outlet(s).
- 54. B Damaged area(s).
- 55. Y Water damage.
- 56. H Pendulum fixture(s).
- 57. H Broken/jagged glass.
- 59. Y Water damage.
- 62. H No carbon monoxide detector within 10' of bedroom(s).

EVALUATOR: Bernis Clement

DATE: 08/15/2011

Page 4 of 5
Rev 3/2009

Property Address: 892 Goodrich Ave.

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable

EXTERIOR (Visible Areas)	
63. Foundation	NA
64. Basement/cellar windows	NA
65. Drainage (grade)	NA
66. Exterior walls	NA
67. Doors (frames/storms/screens)	NA
68. Windows (frames/storms/screens)	NA
69. Open porches, stairways and decks	NA
70. Cornice and trim	NA
71. Roof structure and covering	NA
72. Gutters and downspouts	NA
73. Chimneys	NA
74. Outlets, fixtures and service entrance	NA

Item # Comments
 81. C See Exterior and Garage for 890 Goodrich Ave.
 83. B Shallow hearth.
 84. B Loose/missing mortar. Dirty flue. Damper(s) did not operate.

GARAGE(S)/ACCESSORY STRUCTURE(S)	
75. Roof structure and covering	NA
76. Wall structure and covering	NA
77. Slab condition	NA
78. Garage doors(s)	NA
79. Garage opener(s) - (see important notice #6)	NA
80. Electrical wiring, outlets and fixtures	NA
81. ADDITIONAL COMMENTS (62 through 80)	C

FIREPLACE/WOODSTOVES # of	
82. Dampers installed in fireplaces	Y
83. Installation	B
84. Condition	B

SUPPLEMENTAL INFORMATION No determination is made whether items meet minimum standards (Y/N, NA, NV, only)

INSULATION	Y/N	Type	Inches/Depth
85. Attic Insulation	N		
86. Foundation Insulation	N		
87. Kneewall Insulation	NA		
88. Rim Joist Insulation	N		

89. ADDITIONAL COMMENTS (81 through 88) -

I hereby certify I prepared this report in compliance with the St. Paul Evaluator Guidelines and all other applicable policies and procedures of the Truth-in-Sale of Housing Board. I have utilized reasonable and ordinary care and diligence and I have noted all conditions found that do not conform to the minimum standards of maintenance.

 Evaluator Signature 651-698-3454 08/15/2011 Page 5 of 5
 Phone Number Date Rev 3/2009

Printed Name: Bernis Clement

IMPORTANT NOTICES

1. Any single family residence in St. Paul must have at least one smoke detector connected to the electrical system (hard-wired). The detector must be located near sleeping rooms. For more information call Fire Prevention, 651-266-9090. (St. Paul Legislative Code, Chapter 58.)
2. Rainleaders connected to the sanitary sewer system must be disconnected. For more information call Public Works, Sewer Utility, (651) 266-6234.
3. A house built before 1978 may have lead paint on/in it. If children ingest lead paint, they can be poisoned. For more information call Ramsey County Public Health, 651-266-1199.
4. Neither the City of St. Paul nor the Evaluator is responsible for the determination of the presence of airborne particles such as asbestos, noxious gases such as radon, or other conditions of air quality that may be present, nor the conditions which may cause the above.
5. If this building is used for any purpose other than a single family dwelling, it may be illegally zoned. To help you determine legal uses under the zoning ordinance, contact the Zoning Administrator at 651-266-9008.
6. An automatic garage door should reverse upon striking an object. If it does not reverse it poses a serious hazard and should be immediately repaired or replaced.

12-065-215

June 18, 2012

Clyde and Jan Deepener
866 Goodrich Ave.
St. Paul, MN 55105

RE: Proposed to changes at 890 – 892 Goodrich Ave.

We have lived at 866 Goodrich for 35 years. It is a well-established neighborhood with over 80 % of the neighbors having resided here as long as we have.

We feel the proposed change to the property at 890/892 Goodrich Avenue would be detrimental to the neighborhood and even lower our property values. We strongly agree with the facts and concerns listed in the petition that we have signed.

Sharing the same alley as Millie, who previously resided at this property, we know she was the only resident at that address for the past 25 years. It has been "alley humor" to note that the other 3 stalls in her garage were full of boxes to the rafters.

We daily walk the neighborhood and have comment about the ambience of our block. To add multiple vehicles in front of this residence, by adding apartments, would drastically affect the quality and character of our neighborhood.

We hoped Millie would have upgraded the appearance of her house, but never did we desire to have the house sold and turned into an apartment complex. The transition of people coming and going would totally change the charming character and safety of the neighborhood we have enjoyed for so many years.

Sincerely,


Clyde and Jan Doepner

I, SHERMAN SOKOL HAVE RESIDED AT 891
GOODRICH AVE., ST. PAUL FOR 50 YEARS.

I HAVE WITNESSED MILLIE STONE AS THE
ONLY RESIDENT AT THE PROPERTY IN THE
LAST 25 YEARS, (890-892 GOODRICH)
ACROSS THE STREET.

Sherman Sokol

JUNE 16, 2012

To Whom It May concern

Subject: The use of the House at
890/892 Goodrich Ave, St. Paul,
1979-2011

We are Linda and Sik-Toh Ting. For thirty-three years (1979-present) we live at 891 Fairmount Ave across the alley (on the South side) from 890/892 Goodrich Ave.

When we moved into 891 Fairmount Ave in 1979, Mr. and Mrs. Stone lived at 890/892 Goodrich Ave with their three children. Sometime later, we heard about Mr. Stone's mother, whom we did not meet, living at the same address. Since then Mr. Stone's mother passed away, the children and Mr. Stone moved out.

Our recollection is that with the departure of her youngest child in the mid-1980's, Mrs. Stone lived alone in 890/892 Goodrich Ave for 20-plus years up to the time she sold the property in November 2011.

Signed: Linda A. Ting 6-17-2012
Sik-Toh Ting 6/17/2012

To: Interested Parties

From: Mary Peters

Re: 890-892 Goodrich Ave. Renovation

Date: 06/16/2012

My name is Mary Peters. My address is 897 Fairmount Ave., St. Paul, MN 55105. This is located directly across the alley from 890-892 Goodrich Ave. I have lived at this address since June, 1963. My husband, Gordy, has lived at this address since May, 1978. When we moved here in 1963, the William Stone family was living at 890-892 Goodrich Ave. together with their 3 children. Mildred was his wife, and their sons were named Mark and Chuck, their daughter was named Carlene. They were utilizing the property as a duplex and lived on the west side of the duplex at 892 Goodrich Ave. At some point William Stone's mother moved into the east side of the duplex, at 890 Goodrich Ave. The boys grew up and moved away, and when Carlene was a teenager, William Stone moved out. Mildred and Carlene continued to live at 892 Goodrich, and at some point Carlene moved out as she grew older. Mildred and her mother-in-law continued to reside at 890-892 Goodrich, until the mother-in-law's death. Since then Mildred lived alone on the west side of the property at 892 Goodrich until November, 2011. She had placed the property for sale, and closed on it just before Thanksgiving, 2011. She now lives with her daughter Carlene's family.

This property has continually been used as a duplex since I have lived here in 1963 and most likely previous to 1963. It was never used as a four-plex.

Mary Peters 6-16-12

Mary Peters 06/16/2012

Gordy Peters 6-16-12

Gordy Peters 06/16/2012

To The City of Saint Paul and all interested parties,

In my prior correspondence to the City of Saint Paul (SHA Zoning Committee, Saint Paul Zoning Committee, St. Paul Planning Commission, St. Paul Dept. of Safety and Inspections, Ward 2 Councilmember David Thune) and my recent testimony to the Summit Hill Association Zoning and Land Use Committee I stated my opposition to an application by Providence Development, LLC to expand an "existing" legal nonconforming use at 890-892 Goodrich Ave. Among various reasons for opposing their application for expansion, I suggest that the nonconforming use was discontinued and ceased to exist under the prior owner during 1991-2011 for a continuous period of well over 365 days (actually for over 20 years). I maintain that the prior owner's discontinuance is per the City of Saint Paul Zoning Code and per Minnesota statutes I reference as follows.

I do not have an issue with the fact that 890-892 Goodrich once held a legal nonconforming use for 3-4 units for a period of time in its history. That fact was well established prior to 1961 when Millie Stone purchased the property. I contend that the prior nonconforming use ceased to exist for a continuous period of 365 days during 1991-2011 (and per, MN statute 462.357 sub. 1c, "The nonconformity or occupancy is discontinued for a period of more than a year") thus reverting the property back to its original conforming use. Please see St. Paul Zoning Code Sec. 62.106 and Minnesota statute 462.357 as referenced.

St. Paul Zoning Code Sec. 60.222 General Definitions defines "use" "as the principal purpose for which land or a building is being occupied." St. Paul Zoning code Sec. 62.102 also defines "use" with the same wording: "'Use' means the principal purpose for which land or a building is being occupied". When reading the St. Paul City Zoning Code and Minnesota Statutes related to the issue of legal nonconforming use it would seem reasonable to determine that a property with a "3-4 unit legal nonconforming use" designation would need to continuously maintain occupancy of 3-4 units for its "principal purpose" of said occupancy according to the St. Paul Zoning Code and per Minnesota statutes in this area.

The City of Saint Paul zoning code does not appear to define the word "occupy" in its general definitions. Merriam Webster's dictionary defines "occupy" as 1) To take or fill up space, 2) To dwell or reside in. Which definition shall the City of Saint Paul utilize when applying the zoning code?

Did Millie occupy the entire 4 unit structure during 1991-2011? No one else lived there during that time period. If Millie did, indeed, "occupy" at least 3 or all 4 units does this mean she lived in the property for its principal purpose? Millie told me that she lived in the two units at 892 Goodrich only during 1991-2011 and long-time neighbors have provided statements to the same fact. Perhaps if Millie lived in those two units *and* kept belongings stored in one and/or two units of 890 Goodrich also, then it could be asked did she maintain the property's 3-4 unit nonconforming status? Does doing this sound like the intended purpose for a 3-4 unit (3-4 family dwelling)?

If Millie did "occupy" the 3-4 unit building, maintaining its nonconforming status, would she not be required to obtain a fire certificate? Fire certificates are required in St. Paul for 3-4 unit buildings. If Millie did "occupy" 3-4 units would the property not have been utilized minimally as a two-family dwelling or as a single family dwelling and not as a 3-4 legal nonconforming unit (3-4 family dwelling)? Would not doing this discontinue its use as a nonconforming 3-4 unit?

The City of Saint Paul could utilize "To dwell or reside in" as the definition for "occupy".

Does this mean that it would have to be proved by the current owner that the prior owner, Millie Stone, continuously and physically dwelled or resided in 3 or 4 of the units during 1991- 2011 in order to maintain continuance of a nonconforming use? If so, does this not indicate that she would have passed freely between the units (One can not pass freely into a neighbor's locked apartment unit) , therefore not using the units as "units" at all, but rather as of single family dwelling (in the case of occupying 4 units), or as a two family dwelling (occupying 2 or 3 units, leaving one or two empty)? Do we need to parse this further and ask, "What is a unit?" How do these possibilities compare to City and State code and statutes when discussing "the principal purpose for which land or a building is being occupied" in relation to a legal nonconforming use for 3-4 units and discontinuance of that nonconforming use?

Even though I am making a case that the property's nonconforming use for 890-892 Goodrich ceased to exist during 1991-2011, the burden of proof to show clear and convincing evidence that the property continuously maintained its nonconforming use during that time rests with the current owner of the property per St. Paul zoning code Sec. 62.102. I make this case to provide information to the City and interested parties and to show there is ample evidence and reasonable cause that the nonconforming use discontinued or ceased to exist during 1991-2011.

While it is important to understand when and how a property established a nonconforming use, the St. Paul Zoning Code and Minnesota Statutes do not reference physical or structural requirements of a property when defining 'use'. Just because it was used in a physical manner as as a 4 unit for a period of time, it does not mean that the property maintained the right to be utilized as a 4 unit. Even though 890-892 Goodrich may have established 4 units with doors and walls in the past (making it a four family dwelling at one time) if it was not utilized for the principal purpose of 3-4 units continuously its right to a nonconforming use ceased to exist. An inspection of 6/20/12 by the City of Saint Paul is a good idea. However, an inspection today only shows what the property looks like under a new owner at this point in time. Such an inspection may not show all aspects of how Millie Stone used the premises and who lived at 890-892 Goodrich during 1991-2011.

Minnesota statute 462.357 subd.1e Official Controls; Zoning Ordinance in relation to nonconformities states, "(a) Except as otherwise provided by law, any nonconformity,

including the lawful use or occupation of land or premises existing at the time of adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) The nonconformity or occupancy is discontinued for a period of more than one year; or

(2) Any nonconforming use is destroyed by fire..."(#2 is not relevant to this case)

St. Paul Zoning Code does not reference as Minnesota statute 462.357 sub. 1e does the "continued, including through repair, replacement, restoration, maintenance, or improvement" as a possible ways to continue a nonconforming use other than "use" by principal purpose of occupancy. I point this out in order to note that the prior owner, Millie Stone did none of those things to materially continue her property's legal nonconforming use over the period of 1991 - 2011 under state law. Evidence of this is the fact that the two units in 890 Goodrich were in serious disrepair (please see the property's 2011 TISH report) and not occupied by Millie and/or anyone else. Millie told me, "After her mother-in-law moved out in 1991 she did not want to repair or improve the two 890 Goodrich units in order to obtain a fire certificate from the City because repair would cost too much." This plus Millie's actions (or inaction) illustrate the prior owner's intent to no longer claim a right for a nonconforming use to utilize the property as a 3-4 unit dwelling during 1991-2011, a period much longer than 365 days.

Proof of the prior owner's intent to discontinue the property's legal nonconforming use may not be required. The courts have established where a nonconforming use has been dormant for longer than one year, a presumption of intent to abandon is proper. It ameliorates the municipality's severe burden of having to prove affirmatively a property owner's intent. The property owner is free to present evidence that he or she intended to continue the use or that cessation was beyond her control. Other states have adopted this rule. See *Martin v. Beehan*, 689 S.W.2d (Ky. App.1985); *Williams v. Salem Township*, 92 Pa Cmwlth.634, 500A.2d 933 (1985), app. den. (Pa. Aug. 24, (1987).

Please see the attached legal opinion from the Minnesota Court of Appeals 04/30/91 *County of Isanti v. Mary Ann Peterson*. It states:

1.) Minn. Stat. 394.36 (1990) empowers counties to terminate nonconforming uses after a one-year period of discontinuance. Abandonment need not be proved.

2.) The passage of a period of discontinuance specified in a local ordinance for the termination of a nonconforming use constitutes prima facie (based on the first impression; accepted as correct until proved otherwise) evidence of intent to abandon the nonconforming use.

The attached legal opinion from the Minnesota Court of Appeals goes on to cite several other verdicts and legal cases including *Hooper v. City of St. Paul*, 353 N.W. 2d 138, 140 (Minn. 1984) (nonconforming uses may continue until removed or otherwise

discontinued). "The trial court properly concluded that appellants' right to continue the nonconforming use was terminated by reason of its discontinuance." I urge you to fully read the Minnesota Appeals Court decision that I have attached with this letter.

In my prior earlier letter of this week to the City I illustrated how the St. Paul Planning Dept. and the Dept. of Safety and Inspections each has historically classified 890-892 Goodrich. Even if it is not clear how the City viewed the property during the period of 1991-2011 and the City falls back to a 3-4 unit nonconforming classification, this does not negate the idea that the prior nonconforming use ceased to exist as I have discussed. A dogged insistence that the property enjoys a 3-4 unit nonconforming use today does not mean that one did not cease to exist in the past, therefore calling into question Providence Development's application request to expand a legal nonconforming use. I submit that you can not request to expand something that has not continued and ceased to exist.

The information I have shared regarding zoning of 890-892 Goodrich is available to the City of St. Paul, the public and to Providence Development. I noticed discrepancies with the zoning and use of the property which caused me to ask further questions. You would think that a developer and business person would take the time to fully understand their investment before taking a risk. The City and residents can not help it if Providence Development did not or was not willing to perform the research necessary to fully appreciate 890-892 Goodrich's history and zoning. I would think that the new owners could have purchased an enhanced or extended title insurance policy to help mitigate their risk. All investment carries risk. As a conforming use two family dwelling, 890-892 Goodrich is still a reasonable investment and I believe the owners can still make an application to establish a nonconforming use as long as the zoning code allows it in this case.

My other personal concerns as a resident (and concerns shared by other residents) include increased density on a residential block that already has numerous multi-units and two family or duplex dwellings. Increased parking pressure will add many more resident and non-resident visitors to this block of Goodrich Ave. I am concerned about restoring and preserving the character of the neighborhood (which increased parking pressure lends itself to).

I believe a two-family dwelling at 890-892 Goodrich is the most appropriate use for the property; fits with the neighborhood, and what, I contend, the property's legal zoning reverted to during 1991-2001 under Millie Stone.

Sincerely,

Gregory Cruz
872 Goodrich Ave.
Saint Paul, MN 55105 June 21, 2012

651-690-2828

gregcruz@msn.com

enclosures:

related St. Paul Zoning Code sections

related MN statutes

Minnesota Court of Appeals decision 4/30/91 County of Isanti v. Mary Peterson

PART II - LEGISLATIVE CODE
TITLE VIII - ZONING CODE
Chapter 61. - Zoning Code—Administration and Enforcement
ARTICLE IX. - 61.900. ENFORCEMENT

code shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

Sec. 61.904. - Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Sec. 61.905. - Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Chapter 62. - Zoning Code—Nonconforming Lots, Uses and Structures

Sec. 62.101. - Intent.

Sec. 62.102. - Legal nonconforming use.

Sec. 62.103. - Nonconforming lots.

Sec. 62.104. - Nonconforming uses of land.

Sec. 62.105. - Nonconforming structures with conforming uses.

Sec. 62.106. - Nonconforming uses of structures, or structures and land in combination.

Sec. 62.107. - Strengthening unsafe structures.

Sec. 62.108. - Change of tenancy or ownership.

Sec. 62.109. - Nonconforming use permits.

Sec. 62.110. - Nonconforming adult bookstores.

Sec. 62.101. - Intent.

There exist within the districts established by this code and subsequent amendments lots, structures, and uses of land and structures that were lawful before this code was passed or amended that would be prohibited, regulated or restricted under the terms of this code or future amendments. It is the intent of this code to permit legal nonconforming lots, structures or uses to continue until they are removed.

The code recognizes that in some circumstances allowing nonconforming uses to be changed to similar or less intense nonconforming uses, or allowing nonconforming uses to be reestablished in vacant buildings, may benefit the city and surrounding neighborhood. Some buildings have a long useful life and allowing their continued occupancy for nonconforming uses can be more desirable than requiring them to be vacant if they cannot be converted to conforming uses. Consequently, the code allows conversion of nonconforming uses to similar nonconforming uses and allows the planning commission to reestablish nonconforming uses in vacant buildings if regulated so as to be compatible with the surrounding neighborhood.

The code recognizes that enlargements of nonconforming uses which improve the appearance and functioning of the use can benefit the surrounding neighborhood. The code allows the enlargement of nonconforming uses when found to be compatible with surrounding neighborhoods.

Sec. 62.102. - Legal nonconforming use.

For the purposes of this section, "use" means the principal purpose for which land or a building is being occupied. A use will be presumed legally nonconforming if it can be demonstrated by clear and convincing evidence that prior to October 25, 1975, the use was established, converted, or enlarged and occupied pursuant to building permits issued by the city; or if it can be demonstrated by clear and convincing evidence that the particular use had been in existence continuously for twenty (20) years prior to December 13, 1976. The burden of proof shall be on the property owner. The planning commission may approve permits granting nonconforming use status to uses that do not meet these standards, as set forth in section 62.109(a) and (b).

Sec. 62.103. - Nonconforming lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board of zoning appeals.

If three (3) or more lots or combinations of lots and portions of lots with continuous street frontage in single ownership are of record on the effective date of this code or amendments thereto, and if all or part of the lots do not meet the requirements for lot width and area as established by this code, the lands involved shall be considered to be an undivided parcel for the purpose of this code, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this code.

Sec. 62.104. - Nonconforming uses of land.

Nonconforming uses of land are subject to the following provisions:

- (a) A nonconforming use may continue.
- (b) A nonconforming use shall not be enlarged to a greater height nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code.
- (c) A nonconforming use shall not be moved in whole or in part to any other portion of the lot.
- (d) If such nonconforming use of land ceases for any reason for a period of ninety (90) days or more, any subsequent use of such land shall conform to the regulations specified by this code for the district in which such land is located. This is not intended for those uses which remain on the land but whose activity may cease for a period longer than ninety (90) days, due to reasons associated with the customary operation of such use.
- (e) Any land on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulation for the district in which such land is located and the nonconforming use may not thereafter be resumed.
- (f) An existing off-street parking space for one- and two-family dwellings in a required front or

PART II - LEGISLATIVE CODE
TITLE VIII - ZONING CODE
Chapter 62. - Zoning Code—Nonconforming Lots, Uses and Structures

side yard shall be considered a legal nonconforming use provided the parking space was established pursuant to a curb cut permit issued by the department of public works prior to October 15, 1975, and the parking space has been continuous since the permit was issued or it can be demonstrated by clear and convincing evidence that the parking space has been in existence and used continuously since October 25, 1975. The burden of proof shall be on the property owner.

Sec. 62.105. - Nonconforming structures with conforming uses.

Nonconforming structures with conforming uses are subject to the following provisions:

- (a) A nonconforming structure may continue.
- (b) A nonconforming structure may be enlarged or altered so long as such enlargement or alteration does not increase its nonconformity. Accessory buildings may be added so long as they conform in all respects to the requirements of section 63.501, accessory buildings.
- (c) When a nonconforming structure is destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this code. A nonconforming residential garage, however, may be rebuilt in a rear yard with the same nonconforming setback within one (1) year of its destruction, provided that it is within the maximum height and size limits for an accessory structure outlined in section 63.501(c) and (d).
- (d) When a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Sec. 62.106. - Nonconforming uses of structures, or structures and land in combination.

Nonconforming uses of structures, or structures and land in combination, are subject to the following regulations:

- (a) A nonconforming use may continue.
- (b) A nonconforming use may be changed to a use permitted in the district in which it is located or to a new nonconforming use if the new nonconforming use is also listed in the same clause of the code as the nonconforming use. A nonconforming use may be changed to a use permitted in the district in which the nonconforming use is first allowed, or a principle use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, provided the planning commission approves a permit for the change as set forth in section 62.109(c).
- (c) When a nonconforming use changes to a use permitted in the district or in a more restrictive district, the nonconforming use shall not thereafter be resumed.
- (d) A nonconforming use may be extended throughout any parts of a structure that were manifestly arranged or designed for the use, but it shall not be extended to occupy any land or a larger area of land outside the structure.
- (e) A nonconforming use shall not be enlarged, unless the planning commission approves a permit for an enlargement as set forth in section 62.109(d).
- (f) A structure containing a nonconforming use shall not be moved to another location on its lot.

PART II - LEGISLATIVE CODE
TITLE VIII - ZONING CODE
Chapter 62. - Zoning Code—Nonconforming Lots, Uses and Structures

(g) When a nonconforming use is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the building, or building and land in combination, shall thereafter be used in conformance with the regulations of the district in which it is located, unless the planning commission approves a permit to reestablish the nonconforming use as set forth in section 62.109(e).

(h) When a building containing a nonconforming use is destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation, at the time of the destruction, it shall not be reconstructed except in conformity with the provisions of this code.

(i) On a building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair of walls, roofs, fixtures, wiring, or plumbing, provided that the cubic content of the building as it existed at the time of adoption or amendment of this code shall not be increased.

(j) Where nonconforming use status applies to a building and land in combination, removal or destruction of the building shall eliminate the nonconforming status of the land.

(k) Accessory off-street parking lots or structures may be constructed on the site of a nonconforming use, so long as they comply with the requirements of sections 63.300 and 63.501 and the setbacks required in the district where the use is first permitted.

(l) In any RM3, OS, B1, B2, B3, I1, or VP district, nonconforming residential uses may be enlarged, extended, reconstructed or altered provided no additional dwelling units are added on the lot. Any business operated out of a residence must meet all home occupation standards. Nonconforming residential uses must also meet the requirements (except for lot area per dwelling unit) of section 66.230, residential district density and dimensional standards, for the district in which the use is first permitted and the requirements for off-street parking, section 63.200. Reconstruction of the uses must begin within one (1) year of the removal of the buildings.

(m) In RL—R4 districts, existing two-family residential uses may be enlarged, extended, reconstructed or altered. The two-family uses must meet the yard setbacks and the percentage of lot coverage of the schedule of regulations, section 61.101, as required in the zoning district in which located or in the RT1 district, whichever is greater, and the requirements for off-street parking, section 63.200. Reconstruction of the uses must begin within one (1) year of the removal of the buildings.

(n) In any residential district, existing greenhouses may be enlarged, extended, reconstructed or altered. The greenhouses must meet the height, yard setbacks, and percentage of lot coverage of section 66.230, residential district density and dimensional standards, for the district in which they are located and the requirements for off-street parking, section 63.200. Reconstruction of the uses must begin within one (1) year of the removal of the buildings.

(o) Existing auto body shops located in zones other than industrial zones shall be considered, for purposes of changes in nonconforming uses, as B3 uses. Auto body shops that are legally nonconforming in T2-T4 and B3 zoning districts may expand even though they are not permitted uses in these zoning districts. Auto service stations in T2, T3 and B2 zoning districts which remove their gas tanks and pumps will be regarded as legal nonconforming auto repair stations. Auto repair stations and auto specialty stores that are legally nonconforming in T2-T4 zoning districts may expand even though they are not permitted uses in these zoning districts.

PART II - LEGISLATIVE CODE
TITLE VIII - ZONING CODE
Chapter 62. - Zoning Code—Nonconforming Lots, Uses and Structures

(p) In RL -RT1 residential districts, a second one-family or two-family dwelling on a single lot is exempt from paragraph (h) above and may be reconstructed provided that the number of total dwelling units on the lot is not increased and the building is not enlarged or extended unless it meets the setback and lot coverage requirements for principal structures of the district. Reconstruction of the building must begin within one (1) year of the removal of the building, unless the board of zoning appeals grants an extension for reconstruction.

(q) Existing gun shops that are legally nonconforming, and are not pawn shops, shall be considered, for purposes of changes in nonconforming uses, as permitted uses and may expand even though gun shops are not permitted uses in the district, provided that the amount of floor area devoted to the display and sale of firearms is not increased and that any new public entrance is not located within one thousand (1,000) radial feet of any "protected use," as defined in section 65.520(a) of this Code.

(r) Existing municipal yard waste sites that are legally nonconforming in the IR Light Industrial Restricted Districts may expand as a conditional use under the provision of section 61.501-61.504 and section 65.331 even though new municipal yard waste sites are not permitted in IR light industrial restricted districts.

(C.F. No. 06-120, § 1, 2-22-06; Ord. No. 11-27, § 1, 4-20-11)

Sec. 62.107. - Strengthening unsafe structures.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

(Ord. No. C-248-03, § 1, 11-18-03)

Sec. 62.108. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures, and premises and nonconforming structures with conforming uses provided there is no change in the nature or character of such nonconforming use or structure.

Sec. 62.109. - Nonconforming use permits.

The planning commission may approve, modify and approve, or deny nonconforming use permits. To ensure the public welfare is served, the commission may attach conditions to the permits including, but not limited to, conditions concerning appearance, signs, off-street parking or loading, lighting, hours of operation, or performance characteristics, such as noise, vibration, glare, dust, or smoke.

The planning commission, in approving nonconforming use permits, may allow a nonconforming use for a specified period of time and then require its removal by attaching an expiration date to the permit if the commission makes the following findings: (1) termination of the nonconforming use or the continued vacancy of the building in which the nonconforming use was located would cause significant hardship; (2) permitting the nonconforming use for a period of time will facilitate the transition to a conforming use; and (3) permitting the nonconforming use for a period of time is consistent with the public health, safety, comfort, morals, and welfare. The period of time for which the permit is valid shall be determined in each case by the commission and shall be based on the extent of the hardship.

The planning commission shall hear and decide nonconforming use permits in accordance with the

PART II - LEGISLATIVE CODE
TITLE VIII - ZONING CODE
Chapter 62. - Zoning Code—Nonconforming Lots, Uses and Structures

procedures and requirements of chapter 61, administration and enforcement. The planning commission may consider the following nonconforming use permits:

(a) *Establishment of legal nonconforming use status.* The planning commission may grant legal nonconforming status to the use of structures when such use fails to meet the standards of section 62.102 if the commission makes the following findings:

- (1) The use occurs entirely within an existing structure;
- (2) The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application.
- (3) The off-street parking is adequate to serve the use;
- (4) Hardship would result if the use were discontinued;
- (5) Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses;
- (6) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- (7) The use is consistent with the comprehensive plan; and
- (8) A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.

The application for the permit shall include the petition, evidence of a ten-year period of existence, evidence that conversion of the use and structure would result in hardship, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

(b) *Nonconforming commercial and industrial parking use.* The planning commission may grant legal nonconforming status to allow the use of land without completely enclosed buildings as a parking lot to serve abutting property in OS-B5 Business and IR-11 industrial districts if the commission makes the following findings:

- (1) The commercial or industrial parking lot has been paved, maintained and used for commercial or industrial parking for at least ten (10) consecutive years prior to the date of the application;
- (2) The parking lot occupies a legally subdivided parcel that is too small for development and has not been owned by a different adjoining property owner for at least ten (10) years prior to the date of the application;
- (3) The parking lot is to serve abutting commercially or industrially zoned property;
- (4) The parking lot will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- (5) The parking lot is consistent with the comprehensive plan; and

PART II - LEGISLATIVE CODE
TITLE VIII - ZONING CODE
Chapter 62. - Zoning Code—Nonconforming Lots, Uses and Structures

(6) A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the parking lot.

The application for the permit shall include the petition, evidence of a ten-year period of existence, a site plan meeting the requirements of section 61.401, and other information as required to substantiate the permit.

(c) *Change of nonconforming use.* The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:

- (1) The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use;
- (2) The traffic generated by the proposed use is similar to that generated by the existing nonconforming use;
- (3) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and
- (4) The use is consistent with the comprehensive plan.

The planning commission's findings may be a general rule or findings in a specific case.

(d) *Enlargement of nonconforming use.* The planning commission may permit the enlargement of a nonconforming use if the commission makes the following findings:

- (1) The enlargement will not result in an increase in the number of dwelling units;
- (2) For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district;
- (3) The appearance of the enlargement will be compatible with the adjacent property and neighborhood;
- (4) Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures;
- (5) Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use; and

(6) After the enlargement, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare;

- (7) The use is consistent with the comprehensive plan; and
- (8) A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the enlargement.

The application for a permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

PART II - LEGISLATIVE CODE
TITLE VIII - ZONING CODE
Chapter 62. - Zoning Code—Nonconforming Lots, Uses and Structures

(e) *Reestablishment of nonconforming use.* When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:

- (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose;
- (2) The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use;
- (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- (4) The proposed use is consistent with the comprehensive plan; and
- (5) A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

Sec. 62.110. - Nonconforming adult bookstores.

Adult business are subject to all of the provisions of this chapter with the following addition; when any nonconforming adult business or any building or portion of a building containing a nonconforming adult use is destroyed to an extent greater than fifty (50) percent of its market value, the adult business shall not be reestablished.

(C.F. No. 05-400, § 2, 5-25-05)

Chapter 63. - Zoning Code—Regulations of General Applicability

ARTICLE I. - 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS
ARTICLE II. - 63.200. PARKING REQUIREMENTS
ARTICLE III. - 63.300. OFF-STREET PARKING FACILITY STANDARDS AND DESIGN
ARTICLE IV. - 63.400. OFF-STREET LOADING AND UNLOADING
ARTICLE V. - 63.500. ACCESSORY BUILDINGS
ARTICLE VI. - 63.600. WETLAND CONSERVATION

ARTICLE I. - 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS

Sec. 63.101. - Lots adjoining alleys.
Sec. 63.102. - Height limit.
Sec. 63.103. - Height districts.
Sec. 63.104. - Residential entranceway.